

SENATE—Tuesday, October 18, 1983

(Legislative day of Monday, October 17, 1983)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious God, infinite and impartial in love, who has "made of one blood all nations of men for to dwell on all the face of the Earth," the issue before the Senate today is fraught with strong conviction, deep emotion, and sensitive political implications. We invoke Thy presence in this Chamber this morning. As the Senate struggles with this potentially divisive issue, let Thy grace and peace overwhelm us. Grant cool heads and warm hearts to the Senators, let Thy love and wisdom fill this place, let reason prevail, and Thy will be done here, as it is in Heaven. We pray this in the name of Him whose sacrificial love embraced all peoples. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, the Senate will turn to the consideration of the Martin Luther King bill at 9 a.m. Under the order previously entered, a vote will occur at 9:20 a.m. on a motion to commit to the Judiciary Committee that measure about to be made by the Senator from North Carolina (Mr. HELMS). Thereafter, I expect the Senate to continue the debate on this measure if the bill is not committed—and I hope and trust it will not be and I do not expect it to be—during the balance of this day.

I do not anticipate a late day today, or the need for one. We have a time set for a vote on passage tomorrow at 4 p.m. We shall arrange the schedule today and tomorrow in order to accommodate the time required by Senators who wish to offer amendments and make statements prior to the 4 p.m. vote on passage.

Mr. President, tomorrow, after we finish this bill, I hope to be able to take up the conference report on Interior appropriations if it is available, and I believe it may be, and perhaps

the State authorization bill, which is the unfinished business.

I shall have a further announcement in the course of the day, I trust, on further scheduling arrangements in the Senate for this week and next.

Mr. President, if I have any time remaining under the abbreviated standing order, I yield it to the control of the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, I thank the majority leader.

Mr. President, I yield to the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. I thank the distinguished minority leader.

YES, CAPTAIN BURTON, WE DO NEED A NUCLEAR FREEZE

Mr. PROXMIRE. Mr. President, on October 5, the New York Times published a letter from an Air Force captain named David Burton opposing the nuclear weapons freeze. Captain Burton argued in his letter that the freeze will not work for these reasons:

First. The Russians will not abide by any agreement;

Second. In a head-to-head technological/industrial competition the Soviets would lose. We would win;

Third. Threatened by us with an arms race, which they know they would lose, the Russians will reduce arms;

Fourth. But we have to show we mean business in pushing ahead with the arms race all the way, massively building up our nuclear strength;

Fifth. If the Russians do not reduce their nuclear buildup in the face of this U.S. success in overwhelming them with our more massive nuclear buildup, we will have restored a second-strike capability that will deter any Soviet attack;

Sixth. Nuclear weapons have been the single greatest force for peace that our generation has known. Their existence has made global war utterly unthinkable. So long as both sides have a second-strike capability that has the power to inflict unacceptable losses upon the enemy even after suffering a full-scale first strike, the concept of preemptive first strike is an absurdity.

Captain Burton has well stated the reasoning that lies behind the opposi-

tion of many to a nuclear freeze. They see little harm in arms control negotiations—provided the arms control does not go too far. The present arms control talks, for example, that would limit the deployment of intermediate-range nuclear weapons in Europe and even the Reagan proposal to "build down" by only bringing new nuclear weapons into the arsenal if old weapons were retired on some kind of overall reduction basis—these limitations would not prevent the United States and the Soviet Union from continuing the nuclear arms race which Captain Burton assures us we would win. Even the proposed reduction of nuclear warheads on both sides from roughly 10,000 down to 5,000 would permit the nuclear arms race to speed ahead in a different form. It is the freeze that concerns Captain Burton, because the freeze would stop the arms race which he confidently predicts we cannot lose.

Why would not the presently proposed arms limitations—especially the build down and the 50-percent reduction in nuclear warheads—effectively curtail the arms race? Answer: Both these arms control measures would permit and, in fact, encourage continued vigorous research, development, testing, production, and deployment of constantly improving—that is, more deadly and destructive—nuclear weapons. So both sides would continue to build up their nuclear killing power in spite of a numbers game that purported to show weapons reductions.

The very heart of this race to nuclear extermination is the testing of ever more deadly weapons. The freeze would stop this and, in the process, end the nuclear arms race. Captain Burton argues we should not stop this race for two reasons: First, because we will win it. Second, because nuclear weapons are our friends. Captain Burton does not say he loves the bomb, but he does say it has stopped global war. And if we just keep going with this arms race and nuclear buildup, our survivable deterrent and second-strike capability will be so great the Soviets will not dare hit us with a preemptive first strike because we will be able to retaliate with an absolutely devastating second strike.

Captain Burton has spent too much time in his bunker in North Dakota. Our Minutemen missiles which Captain Burton manned are, indeed, vulnerable. But they constitute less than a quarter of our nuclear arsenal. At this moment we already have 75 per-

cent of our nuclear strike power deployed in invulnerable submarines and bombers. We have been assured by our defense experts that no Soviet strike can eliminate them, and we have been assured that the U.S. nuclear arsenal that would survive a Soviet preemptive strike could absolutely obliterate every city and virtually every significant military target in the Soviet Union. Half the Russian population would be casualties. The Soviet Union, like the United States, would cease to exist as an organized society. What additional second-strike capability does the captain want?

Right now, at this moment, neither side will engage in a preemptive first strike because both sides would not just lose. Both sides would die. We do not need one more nuclear weapon to accomplish that. And, certainly, we do not need the arms race Captain Burton fears that a freeze would stop.

Finally, Captain Burton opposes a freeze because we cannot trust the Russians to keep any agreements. On that score, the captain must oppose the initiatives the President—whose policies he argues he supports—has been working for many months to reach an agreement on with the Russians on the deployment of intermediate nuclear weapons in Europe. If, as Burton believes, they would violate a comprehensive nuclear freeze agreement, why would they not violate the limited nuclear arms agreements President Reagan is negotiating now?

Of course, we cannot trust the Russians. But if we have a verification system on which we can rely, in place, we do not have to trust them. The key achievement of a freeze is that it would stop testing and thus the effective research that lies at the heart of the arms race. Could an agreement to stop testing work? Yes, indeed. How do we know? Because we have had such an agreement in effect with the Soviet Union for 20 years—ever since 1963, stopping testing on land, at sea, in the air, or in outer space—everywhere but underground. Has it worked? Yes. And we have had a 150-kiloton limit on underground testing. The freeze should move to reduce that sharply. Monitoring and verification technology has advanced sufficiently to permit it.

Mr. President, I ask unanimous consent that the letter to the New York Times by Captain Burton be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NO FREEZE, PLEASE

(By David H. Burton, Jr.)

Following are excerpts from a letter that David H. Burton Jr., an Air Force captain, had distributed in his hometown, Lexington, Mass. He sent a copy to President Reagan.

Dear Dr. and Mrs. —, I've noticed that you have lent your names and support to the Lexington Com-

mittee for a Nuclear Weapons Freeze. I am glad to see that our community is now taking an active interest in this vital matter.

I have also studied Soviet strategic doctrine. I have lived one full week out of every three in a concrete shelter, behind a fence, with my combat-ready, nuclear-loaded embodiment of human genius and failure quietly waiting outside my door in the snows of North Dakota. I have eaten with it, lived with it, and slept with it. One does not come to this position with a blinded eye or heart. Nor does one become immune to the consequences of this mission. To the contrary, one's awareness is dramatically increased during those hours of waiting for the klaxon (is it real or another exercise?).

What then, you may wonder, could so possess a man that he would be ready to inflict such destruction upon his fellow men? Is it some sense of patriotism or chauvinism? No. It is the knowledge that by his very determination, skill and willingness to follow that ultimate command, he is serving the strange principles of the maintenance of Peace on Earth.

Let me state an extremely paradoxical Truth: Nuclear weapons have been the single greatest force for peace that our generation has known. Their existence has made global war utterly unthinkable. So long as both sides have had a "second-strike capability," that is, the power to inflict unacceptable losses upon the enemy even after suffering a full-scale strike, the concept of either a preemptive attack or an attack to further one's political objectives has remained an absurdity. This condition has prevailed from the late 50's.

Advances in technology, as well as a relative neglect of our strategic forces (the B-52's I flew were older than some of our pilots), have upset this fragile balance. We are now entering an era when the greater numbers, destructive capacity, and, most of all, accuracy of Soviet missiles can render a devastating blow on our retaliatory capability. The Soviet perception is shifting, and justifiably toward the concept that they could survive, and even win, a nuclear war. There is nothing that could make their leaders happier than freezing the current strategic situation.

What, then, are we to do? The first step is to recognize that the opposing side has vastly different objectives. They need not be responsive to the demands of their people; they can manipulate those demands through their societal controls. They will make promises only when the making serves the State, and break them for the same reason.

With the Soviets, you bargain from a position of strength, or you lose the negotiation. Unlike the U.S., the leadership in the U.S.S.R. seldom changes and their objectives have never changed. What was true during the Cuban Missile Crisis is true today: The Soviets will be bluffed only when you're not bluffing.

While a freeze of the current situation may be desirable from the Soviet point of view, what's to motivate them to reduce their nuclear capability? The Soviet Union cannot afford another high-tech round in the arms race. They recognize that in a head to head technological/industrial competition they would lose despite multibillion dollar efforts. If nuclear arms reduction were clearly the only alternative to an arms race, it is extremely likely, in the present economic, technological, and political climate, that they would choose it.

Thus, we must show that we are not bluffing. We must vigorously pursue the Presi-

dent's arms program to restore our second-strike capability or we can forget meaningful limits to nuclear weaponry, much less reductions. Ironically, during this pursuit it will be our fervent prayer that the millions in research, design, and test funds will have been "wasted" because the Soviets found our resolve to be credible. Of course they'll probably wait until we're ready to deploy the first new system before their first meaningful concession is made but serious and meaningful reductions and a safer world for our families will result from our resolve.

Consider the worst-case result of this strategy: If this strategy should fail, we'll still have accomplished an important, though less ideal, goal. We'll have restored that stabilizing condition known as second-strike capability. The expense would continue, but we'd have done our part, for a while longer, to insure the security of the free world. On the other hand, the worst-case result of the freeze strategy is the fruition of your greatest fears. A freeze is the easy way out. It is free, and it is expedient, and so it appeals to the frustrated souls who share the strong gut feeling that something must be done. But it totally ignores the political and military realities. It even increases the risks that it is meant to reduce.

DARK DAYS FOR SRI LANKA

Mr. PROXMIRE. Mr. President, in July and August of this year, newspapers across the country carried disturbing stories of racial tension in the island-nation of Sri Lanka. The more immediate and sensational events of the past months have pushed this story out of public view and relegated what should be a matter of international concern to the back pages. This is disturbing for several reasons.

First of all, it is unsettling to see signs of overt oppression in any nation, and in Sri Lanka there is substance of these signs. Since becoming independent in 1948, the Sinhalese majority has made a perceptible move to reduce the political, economic, and social power of the Tamils, a minority which makes up about 20 percent of the nation's population. In the latest crisis, the Government of Sri Lanka moved to ban the opposition parties, effectively eliminating whatever say the Tamils may have had in the administration of the island. Stories critical of the majority Government have been regularly censored, and the restrictions on foreign journalists are being tightened. Stewart Slavin, the West Asia manager for UPI, was expelled for transmitting a story censors rejected, and Colombo hotels have been ordered not to let foreign correspondents use their telex machines.

More importantly, the Government may have condoned human rights violations while this political oppression was taking place. An Amnesty International report published last May charged the Government of Sri Lanka with adopting "far reaching measures that curtail fundamental rights * * *". Rajiv Desai, a Chicago-based writer, calls the report "a grim account of

summary arrest, detention, and torture by police and security forces against the Government's opponents." In the most recent wave of violence, more than 200 people, mostly Tamils, have lost their lives.

It is this violence that is most disturbing to me, Mr. President, because it is coupled with alarming reports of official control and premeditation. Some accounts contend that rioters went from house to house in Colombo, using election records to find where each Tamil lived. The possibility of tacit Government support of this recent wave of antiminority violence has stirred fears of genocide. The turmoil that left 50,000 people homeless and several hundred dead lends credibility to these fears. At the very least, it lends credibility to Mr. Desai's charge in the Chicago Tribune on August 23, 1983:

The Government has either misunderstood or cynically ignored Sri Lanka's real problem: the conflict between the Sinhalese and the Tamils, the two major ethnic groups on the island.

Mr. President, rhetoric can be used to disguise the oppression of a particular group, but the international community should be able to recognize such oppression when it occurs. More importantly, the world community should be ready to react. Ratifying the Genocide Convention would demonstrate this country's support for that international response. It would provide a concrete foundation on which to base the superstructure of human rights.

I sincerely hope that fears of genocide in Sri Lanka prove unfounded. The resolution of this particular conflict, however, will not mean an end to human rights violations in general, or fears of genocide, specifically. By ratifying the Genocide Convention, though, the United States can take a positive step toward laying those fears to rest.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. There will now be a period for the transaction of routine morning business.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

NUCLEAR SAFEGUARDS AND SECURITY

Mr. THURMOND. Mr. President, earlier this year, my distinguished colleague from Arkansas, Senator BUMPERS, placed an article entitled "Breeder, Plutonium and Nuclear Weapons" in the CONGRESSIONAL RECORD. I now

bring that article to the Senate's attention again, since I was concerned by its assertion that breeder reactors could lead to widespread proliferation of nuclear weapons because it is technologically impossible to safeguard plutonium. I was especially struck with one quote regarding a facility located in my State of South Carolina. The article stated that: "One facility, the Savannah River Reprocessing Plant, a weapons facility operated by the Government, had a net shortage of 320 pounds plutonium during its operating lifetime from 1955 to 1972." Clearly, the reader is led to believe that enough plutonium to make over 20 nuclear bombs has been diverted or stolen from the Savannah River plant site. As a result of my concern over this startling allegation, as well as others noted in the article, I sought expert advice.

First, I asked the Department of Energy to explain the shortage of plutonium at the Savannah River plant site as noted in the article. I ask unanimous consent that my letter to Mr. Herman Roser, Assistant Secretary for Defense Programs at the Department of Energy and his response thereto be placed in the CONGRESSIONAL RECORD at the conclusion of my remarks. Clearly, the DOE response denies the allegation that any plutonium from any of this Nation's defense production facilities, including the Savannah River plant, has ever been diverted or stolen, despite the fact that very large quantities of plutonium necessarily have been produced, processed, and transported in our national defense weapons complex for some 40 years.

Next, I asked a nuclear safeguards expert, who is widely known and respected, nationally and internationally, to review the entire text of the Nuclear Control Institute article and report to me his findings. That expert, Mr. J. M. de Montmollin, has worked in the safeguards area for approximately 10 years, has written numerous publications in this field, and serves on several national and international safeguards and nuclear proliferation committees. I will not reiterate here the numerous deficiencies in the article as noted by Mr. de Montmollin, because I believe his response speaks for itself. Mr. President, I ask unanimous consent that the text of his statement be placed in the CONGRESSIONAL RECORD following my remarks. I would note that the comments of Mr. de Montmollin are particularly timely and appropriate, in view of the upcoming debate on the Clinch River breeder reactor.

Mr. President, although I continue to be an advocate of the wise use of nuclear power, my purpose in addressing the Senate today on this subject is not to speak in support of breeder reactors, nuclear weapons production, or any other nuclear proposal or position.

Rather, I simply wish to correct the RECORD in this matter. It goes without saying that Congress has a responsibility to clearly differentiate nuclear issues and to make policy decisions based on facts. The nuclear issues we face today are difficult, controversial, and a proper subject for different perspectives and spirited debate. As the debate proceeds, however, it is important that all participants in the debate verify their facts and resist the temptation to exploit public fears and misconceptions. Ours is a heavy responsibility. Congress must address the political issues of the day—including nuclear issues—and formulate the policies which will guide this great Nation. The American people can only be well served when their elected leaders make sound, well-reasoned decisions, based on careful analysis of complete, factual information.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PRESIDENT PRO TEMPORE,
U.S. SENATE,
September 28, 1983.

HON. HERMAN E. ROSER,
Assistant Secretary for Defense Programs,
Department of Energy, Washington, D.C.

DEAR MR. ROSER: I am writing you with regard to the safeguarding of plutonium within the Nation's weapons complex. In particular, I would like the answers to the following questions:

(1) Is the statement from the attached article entitled "Breeder, Plutonium and Nuclear Weapons" by the Nuclear Control Institute that "... the Savannah River Plant had a net shortage of 320 pounds of plutonium during its operating lifetime from 1955 to 1972" accurate? Please explain.

(2) Is there any evidence that plutonium has been diverted or stolen from the Savannah River Plant since it began operations?

(3) Is there any evidence that plutonium has been diverted or stolen from any of this Nation's weapons complex facilities since they began operations?

Thank you for your prompt attention to this matter, and with kindest regards and best wishes,

Sincerely,

STROM THURMOND.

DEPARTMENT OF ENERGY,
Washington, D.C., October 5, 1983.

HON. STROM THURMOND,
President pro tempore of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: In response to your letter dated September 28, 1983, in cooperation with the Savannah River Plant, our answers to your three questions follow:

1. Savannah River plutonium inventory differences approximate 320 pounds during the period 1955 to 1978, not 1972, as stated. This does not represent an actual loss of plutonium because the major cause of these inventory differences is differences in the theoretical calculation of plutonium produced and that actually recovered. Difficulties in measurements and estimates of the plutonium content of scrap to be processed through the recovery plant and the plutonium actually recovered plus small changes to the unmeasurable plant material holdup ac-

count for the remaining inventory differences.

2. and 3. There is no evidence that any significant amount of plutonium has ever been diverted or stolen. This is based on analyses of inventory differences for the Savannah River Plant and other DOE weapons complex facilities, together with the absence of physical indications of any theft attempt.

In addition to the accounting records and reports of all transactions and physical inventories, these materials receive controls by custodial responsibilities, shift-to-shift cross-checks, and special physical protection of the facilities where the materials are held. To further strengthen safeguards and security, there is a significant upgrade program underway at Savannah River which includes additional guards and instrumentation to detect any intrusion or removal of special nuclear materials.

Your interest in our safeguards program to adequately protect and control nuclear materials is appreciated. If you have any additional questions or need further information, please let me know.

Sincerely,

HERMAN E. ROSER,
Assistant Secretary
for Defense Programs.

THE CLINCH RIVER BREEDER AND NUCLEAR PROLIFERATION

The debate over the Clinch River Breeder Reactor has been long and heated. The outcome and the fate of the entire U.S. breeder program are of far-reaching import for the country's future energy-policy options; hence, there is a critical need for reasoned and rational debate.

Unfortunately, the Clinch River issue has become one of many battlegrounds in the long war between supporters and opponents of nuclear power. Opponents have perceived that the CRBR decision is a milestone action that offers an opportunity to block the growth of nuclear power beyond the once-through fuel cycle in the current generation of light-water reactors. Among the forces that they have deployed in the battle is the charge that the CRBR would increase the risk of the spread of nuclear-weapons to other countries. Since there is widespread and genuine concern over nuclear weapons, many of those opposed to the CRBR for whatever reasons seek to reinforce their opposition by trying to show a close connection to the proliferation problem, and by painting a frightening picture of thousands of nuclear bombs springing forth from the breeder fuel cycle. They do a grave disservice to the cause of public understanding and rational decision-making with their sweeping assertions, fear-mongering, often-inaccurate statements, and quotations out of context.

A case in point is a paper published by the Nuclear Control Institute, a lobbying group opposing nuclear power, that was inserted in the Congressional Record (April 20, 1983, p. 9102). It purports to be a well-documented study, citing 24 references and liberally sprinkled with seemingly authoritative statements and numbers. A careful examination of the paper shows that the claimed close connection between proceeding with the CRBR and the conjured images of thousands of bombs in irresponsible hands rests only on the unfounded assertions and rhetoric of the author. Both issues—the CRBR and nuclear proliferation—are of great importance. Rational and responsible decisions in both areas are jeopardized by the resort

to deliberate distortion and propaganda tactics.

The article begins with a reported unofficial quotation from an unnamed "senior IAEA official", implying that the Agency will be unable to keep track of "thousands of tons" of plutonium used for peaceful purposes. The words are chosen so as to suggest that such quantities might be diverted and escape detection, which is absurd. Serious discussion of important policy questions should not be distorted by second-hand reports of alleged unofficial statements attributed to anonymous individuals; there is enough reliable information available for the issues to be thoroughly aired.

Nowhere in the paper is a cause-and-effect relationship between the CRBR decision and the risk of further proliferation established. Instead, we are showered with frightening estimates of how many thousands of nuclear bombs could be made with the world's potential stocks of plutonium. We will continue to lose ground in trying to manage nuclear energy unless we address the real world: there will be plutonium-fueled reactors, and whether the CRBR is built or not, the decision will have no real impact outside the US on either the quantity of plutonium or its use. France, Japan, the Soviet Union, the UK, the Federal Republic of Germany, Italy, and Switzerland, among others, either have major breeder programs of their own or are partners in joint ventures with others. Those decisions will be made by other countries in their own interests, principally on economics and assured-supply grounds. It is indeed strange that groups such as this one claim, at the same time, that plutonium fuels are uneconomic and that there will be thousands of reactors using them.

As nuclear opponents often do, the author blurs the distinction between the separate problems of protection against individuals or small subnational groups, and the acquisition of nuclear weapons by non-weapon states. "Proliferation" by any reasonable and common usage includes only the latter, and that is purported to be the subject of the paper. Physical protection against outlaw groups is a national responsibility, over which the IAEA has no jurisdiction. The Agency has, however, taken a very active role in the promotion of high standards of protection. It should be apparent that, since the industrial operations that produce nuclear weapons have been adequately protected for the past 40 years without serious incident, appropriate measures can provide the necessary protection for plutonium fuel operations. Likewise, plutonium in various forms ranging from bulk materials to complete weapons have been transported under adequate physical security during that time, without loss or threatening situation. The problem of proliferation is quite different: measures to control it are necessarily based on persuading countries to abstain from weapons-related activities, and to accept international inspection to verify that they do so.

The breeder fuel cycle provides a means for reaching an equilibrium in plutonium production and use, with all fuel plutonium either in reactor cores or committed for reload in order to keep the reactors operating. Present reactors on a once-through fuel cycle generate continually-increasing quantities of plutonium, which, from the proliferation standpoint, is potentially available to a country for weapons even though it may be stored as spent fuel.

There is little point in calling attention to each of the factual errors and distortions in

the paper; a few will suffice to illustrate the point. It is claimed that more than 6500 pounds of plutonium is discharged from each 1000-Mw breeder reactor each year, implying that the world quantity of plutonium grows by that amount. The fact is that almost 90 percent of the plutonium is recycled back into the reactor, and the net production of plutonium is actually less in a breeder than in the light-water reactors presently in operation. The breeder provides a means of absorbing plutonium stocks in a tightly-coupled fuel cycle, the continued operation of which depends on reloading it into the reactors.

It is asserted that the plutonium content of LWR spent fuel cannot be estimated to better than plus or minus ten percent. The point is irrelevant. The plutonium cannot be extracted without destroying the fuel assembly, and hence for safeguards purposes it is necessary only to assure that all assemblies are intact and accounted for. The IAEA does that routinely for the thousands of assemblies that are under safeguards, without incident.

The further assertion is made, without citing any source, that plutonium in reprocessing plants can be accounted for only to within plus or minus five percent. The IAEA states that the uncertainty expected for closing a plutonium material balance at a reprocessing plant is about two percent for reprocessing and one percent for fabrication (IAEA Safeguards Glossary, IAEA/SG/INF/1, 1980, par. 100).

A Scientific American article is cited as projecting about 1,500 breeders of 1,000 Mw each in operation 50 years from now. (Wolfgang Sassini, "Energy", Sci. Am., Sept. 1980, p. 119.) No such statement appears in the article, which reports a comprehensive study on energy prospects. If the Nuclear Control Institute had read the article more carefully, a point of more relevance to the CRBR question would have been immediately apparent. The article points out the need for sustainable energy sources, principally the breeder, and the urgency of proceeding with its development.

"The diversion of this much coal for synthetic fuel production from electric power production will in turn have to be partly compensated for by further penetration of nuclear power into the market for generating electricity. Because of anticipated resource limits on the supply of natural uranium, breeder reactors will assume an ever-increasing share of the world energy-supply market from the year 2000 on. Renewable energy sources, hydroelectric power, and geothermal power will add up to a fairly constant share of somewhat less than ten percent of the total energy supply, an estimate that implies a substantial increase in the absolute power-generation levels for all these comparatively minor supply categories. . . .

" . . . in short, the transition to sustainable energy sources such as breeder reactors, direct solar power, and fusion power might well become more difficult with time. . . . It will never be a minimum-cost operation. . . . The transition . . . cannot be put off to an era when the globe will have nearly exhausted its one-time energy endowment."

Of the three sustainable sources, only the breeder offers high assurance of providing a significant fraction of the demand beginning no more than 25 years from now. More than half that length of time is required to put a present-day reactor on line. We can ill afford to foreclose the breeder option by continued controversy over the development

program, fueled by spurious arguments on all fronts that raise unwarranted and misplaced concerns. The CRBR question should be addressed dispassionately; the issue is its role in a continuing program of energy development that is vital to our national interests.

PEOPLES DRUG STORES' PUBLIC SERVICE

Mrs. HAWKINS. Mr. President, I would like to take this opportunity to commend a local business for its timely efforts to combat drug abuse in this country. Peoples Drug Stores, a local chain of pharmacies, has recognized and filled a very great need in this country to educate parents and children about the hazards of drug abuse. Working with the National Institute on Drug Abuse, Peoples Drug Stores have published a series of pamphlets entitled, "Your Kids and Drugs: Spot It/Stop It."

These colorful pamphlets, published at Peoples Drug Stores' own expense, are distributed free at branch stores in the area. They cover a variety of topics and are written in nontechnical, easy-to-understand language. On the back of each pamphlet is a list of the names, addresses, and "hotlines" of national organizations dedicated to combating drug abuse in this country. Peoples Drug Stores have provided the people of this area with a very valuable public service.

I have always believed strongly that private sector involvement is necessary to solve many of society's problems. Government intervention alone is not enough. In our fight against youthful drug abuse, we must call upon all sectors of the American economy—public, private, and nonprofit. In many cases, the business leaders of this country are best suited to finding solutions to the community's problems. The employees of Peoples Drug Stores have recognized and set out to meet their responsibilities to the community. I commend them for their generosity and good will.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of five of the informational pamphlets on drug abuse published by Peoples Drug Stores.

There being no objection, the pamphlets were ordered to be printed in the RECORD, as follows:

YOUR KIDS AND DRUGS—SPOT IT AND STOP IT

As parents, you face the constant challenge of keeping informed on the various drugs that can harm your children, so you can more effectively guard against them.

What follows are brief descriptions of eight dangerous drugs, their effects and other useful information.

1. PCP (PHENCYCLIDINE)

Commonly known as "killer weed", "green", or "angel dust," PCP can have devastating effects on your child. Usually smoked in tobacco, marijuana cigarettes, or sprinkled on parsley, PCP is sometimes sold on the street as "Super Pot". It is a drug

that can distort reality so drastically for users that symptoms can closely resemble mental illness. Users can become violent and destructive towards themselves and others. Death can ultimately result from overdose or accidents that occur while the user is under the influence of the drug. Some abusers have drowned in shallow ponds or burned to death in fires, because PCP actually blocked their ability to feel pain.

2. LSD (D-LYSERGIC ACID DIETHYLAMIDE)

Also a hallucinogen that distorts reality, LSD is most commonly known as "acid". It is a liquid that is usually swallowed, often after having been placed in a sugar cube or blotter paper. Users can suffer from wide mood swings, and can feel fear, nausea and other forms of extreme discomfort. Results can be so severe that complete emotional breakdown can occur.

3. Mescaline

Derived from peyote, a cactus that grows in the southwestern part of the United States, mescaline is a mind-altering hallucinogen. Sometimes called "mesc" or "cactus," mescaline is usually swallowed directly in thin slices or boiled in water, which is then drunk. Users go into a dreamlike state, with heightened sensations and a feeling of unreality. They run the risk of suffering emotional breakdowns.

4. BARBITURATES

Pentobarbital, secobarbital are all classed as barbiturates—depressants which have a general depressant effect on the central nervous system of the user. They go under a wide variety of names, such as "barbs," "downers," "yellow jackets", "red devils" and "blue devils". Usually swallowed in pill or capsule form, barbiturates calm tensions and relieve anxiety, so they can quickly lead to dependency. Heavy doses can impair judgement, cause drowsiness and confusion, and noticeably slur speech. People with barbiturate dependency should only attempt withdrawal under a doctor's care. Withdrawal from barbiturates can be even more dangerous than withdrawal from heroin. Overdoses can result in death, and the risk is greatly increased when barbiturates are taken with alcohol.

5. QUAAALUDES (METHAQUALONE)

"Ludes", as they are commonly called, produce similar results in the body as barbiturates. Quaaludes produce drowsiness and interfere with mental processes and coordination. Overdoses can lead to unconsciousness, lung and heart failure, and death.

6. HEROIN

Also called "smack", "junk", or "horse", heroin is an extremely addictive drug that usually comes in the form of a white powder that is either injected after dissolving, or sniffed into the nostrils. The drug affects the central nervous system, reduces the ability to feel pain, depresses the respiratory system, and causes drowsiness. Once the user is addicted, withdrawal is terribly difficult. Heroin overdose can lead to coma—or death.

7. AMPHETAMINES

This is the general term used for amphetamine, dextroamphetamine and methamphetamine—stimulants which affect the central nervous system. They are also called "speed", "uppers", "pep pills" and several other names. Amphetamines are swallowed in pill or capsule form, or injected. Their general effect is exaggerated activity, irritability and nervousness.

An excessive amount may even produce symptoms of paranoia. Hallucinations are

common. Some abusers can remain awake continuously for as long as six days . . . but the "crash" that occurs when the drug wears off can be devastating, danger of suicide exists. Overdoses can result in death.

8. INHALANTS

Substances that are abused by sniffing fall under the category of inhalants. These include gasoline, airplane glue, paint thinner, dry cleaner solution and others. The central nervous system is affected by the chemical fumes from inhalants. A euphoric high can be produced seconds after sniffing. Abusers can suffer impaired judgement and poor motor coordination. They can become abusive and violently dangerous to themselves and others. Since inhalants are so easy to acquire, they are particularly hard to control. Brain damage, and damage to the liver, kidneys and bone marrow are often the result of prolonged abuse of inhalants. Inhalants may produce irregular heartbeat and death by arrhythmia. Sometimes death by anoxia, or loss of oxygen, can occur.

WHAT PARENTS CAN DO

As a part of Peoples Drug Stores' new program, "Your Kids And Drugs. Spot It/Stop It", the pharmacists at Peoples have prepared a series of informative, free pamphlets. Once parents are better informed through these pamphlets, they will be better able to prevent their children from using drugs.

In addition to "Eight More Dangerous Drugs You Should Know About", pamphlets are also available on marijuana, cocaine, alcohol, how to spot drug use, and how to protect your child from drug use. This last pamphlet includes the phone numbers and addresses of several parent-help organizations. These organizations are excellent sources of help for parents.

PARENTS CAN DO SOMETHING ABOUT IT

The people who can do the most to help today's kids keep off drugs—are today's parents. They're in the best position to spot drug use and stop it. All across the country, there are growing numbers of success stories about parents who made a dedicated, persistent effort to keep their children drug-free. And it worked.

The first step for you to take is to learn about drugs. Here, Peoples Drug Stores can be a big help. As a part of our new program, "Your Kids And Drugs. Spot It/Stop It", the pharmacists at Peoples have prepared a series of informative, free pamphlets.

They're especially written to give parents the information they need to fight today's drug problem. This pamphlet, the first in the series, will help parents recognize the signs that might mean their kids are getting into drugs.

START EARLY

Parents should begin discussing the dangers of drug use with their children when they are at age nine or ten—to help prevent drug use from ever starting. Early support from parents is a key factor in helping kids make the right decision on drug use. By the time kids are in junior high school, peer pressure may already be strong to use drugs.

SIGNS OF DRUG USE

It's not easy to tell if your child is using drugs. But, there are signs to watch for. Marijuana, for example, can cause red, bloodshot eyes. There are also certain changes in behavior that may mean a drug problem. Parents shouldn't be too quick to jump to conclusions, though. Adolescence

can bring on many of the same changes in behavior as drug use. So it's up to the parents to find out the reason behind a child's behavior. Is it drugs... or just growing up?

PHYSICAL EVIDENCE

Finding drugs in the child's possession, in the house, or car, is one of the most obvious signs of a drug problem. Drug paraphernalia, such as cigarette papers or pipes, is also an indication of use. Because marijuana causes reddening of the eyes, sunglasses may be worn, or eyedrops used. Marijuana leaves a sweet, smoky odor in a room or in clothes. To hide the smell, deodorizers or incense may be used. Marijuana use can result in coughs or bronchitis. When cash or valuable possessions begin to disappear, it can mean that money is needed to buy drugs.

LOOK FOR THESE CHANGES IN BEHAVIOR

Acting more secretive, irritable, even hostile. Becoming alienated from the family. Acting depressed, apathetic, and less motivated.

Spending a lot of time with a new group of friends. Being reluctant to talk about these new friends.

Acting more forgetful, less able to think fast. Increasing appetite from marijuana use (known as "the munchies").

Declining performance or attendance at school.

WHAT PARENTS SHOULD DO

If you notice the changes in behavior listed above, parents should take steps to find out if drug use is the cause. Talk with your child about his or her problems. Talk about drugs and drug use among peers. Get to know your children's friends.

If you suspect drug use, tell the child you cannot allow it to continue because of the physical and mental dangers of drugs. Be understanding that the child may be under strong peer pressure to use drugs. But be firm that the drug use must stop. Try to find ways that you can help your child resist pressure to use drugs. If the problem is too much for you to control, however, don't be afraid to seek professional help.

PEOPLES WANTS TO HELP PARENTS

Today, one out of every three kids in America tries illegal drugs. To help parents be better informed so they can better fight the drug problem, Peoples Drug Stores now has pamphlets available that give the latest facts on the dangers of marijuana, cocaine, alcohol, and other drugs, and a pamphlet that tells parents how to protect their children from drug use. They're available at the prescription counter of every Peoples Drug Store, along with this pamphlet on spotting drug use.

Once parents are well-informed, they'll be better able to sit down with their children and talk about the drug problem. And it's this kind of honest, open discussion, where parents are able to give the straight facts on drugs, that can give kids the help they need to steer clear of drugs.

WHERE PARENTS CAN TURN FOR HELP

Your state or local drug or alcohol abuse authority will be able to tell you where to find professional help in your area, if you find that you need assistance in controlling a drug problem. Many parents have found that they can be very successful in keeping their children drug-free by working together with other concerned parents in their community. These parent groups can be found in almost any neighborhood across the country. To find out more about parent groups, contact these organizations:

IDENTIFYING THE DRUG

Marijuana—also called pot, grass, dope, or weed—is the greenish-brown dried leaves, small stems and flowering tops of the plant *Cannabis Sativa*. Over 400 different chemicals are found in marijuana. The primary mind-altering ingredient is called THC. Before 1970, most marijuana had about 0.2 percent THC. Since 1979, the average THC content has risen to about 4 percent. A specially cultivated variety, called sinsemilla, can be up to 10 percent THC. Hashish and hash oil are processed forms of marijuana, with THC levels of up to 10 to 20 percent.

ITS USE

Marijuana is usually smoked in cigarettes called joints, in pipes, or in water pipes called bongos. It can also be eaten. The effects of the drug differ for different people, often depending on the mood they are in or their expectations of the effects. Almost immediately after smoking the drug, most people experience a euphoric feeling, similar to being mildly drunk. Some of the more noticeable physical effects include a reddening of the eyes, an increase in the rate of the heart beat, and often an increase in appetite. Noticeable mental effects include an altered sense of time and difficulty in concentrating. Short term memory is affected. A person on marijuana may forget what happened a few minutes or even seconds after it happens. Psychomotor function is affected, delaying reaction time.

BIOLOGICAL DANGERS

In the early 1970's, very little scientific research was available on the biological effects of marijuana. Because its dangers were not known, some people claimed marijuana use was less harmful than alcohol or cigarette use, both of which were known to have potentially harmful effects.

Today, there is growing scientific proof that marijuana use has these health hazards:

THC, which is fat soluble, accumulates in the fatty tissues of the body such as the brain and sex glands. The body can only eliminate it at a very slow rate. Traces of the THC from one joint can remain in the body as long as three weeks.

Research shows that marijuana use may cause lower levels of male and female hormones, and a temporary loss of fertility for both men and women. Women may have irregular menstrual cycles. And when marijuana is used during pregnancy, premature babies and low birth weights may result. Marijuana use may be especially harmful during adolescence because this is a time of such rapid physical and mental development.

Marijuana smoke can be much more harmful to the lungs than tobacco smoke. A marijuana user will inhale more deeply and hold the smoke longer in the lungs. Increased irritation and damage result. Although both marijuana smoke and tobacco smoke contain many of the same ingredients which cause cancer and emphysema, even more cancer-causing agents are found in marijuana smoke. Research studies show that cancer can be a result of continued marijuana use for several years.

PSYCHOLOGICAL DANGERS

The psychological effects of regular marijuana use are just as serious a concern as the biological effects. Eventually, regular marijuana users experience increased apathy, lack of motivation, and impaired judgement, concentration, and memory. The chronic user, however, is usually unaware of any change of personality. For

people who already have emotional disorders, marijuana use can result in serious mental problems. One of the most serious concerns is with adolescent users. Marijuana use interferes with emotional growth and personality development. Kids need to learn how to deal with stress and conflicts, instead of escaping problems with marijuana use.

If you find marijuana or its paraphernalia in your child's room, don't buy excuses such as, "It's not mine. I'm only holding it for a friend". Parents must be willing to accept the possibility that their child may be a marijuana user. And if a drug problem is evident, parents must take the responsibility to seek help for the child.

WHAT PARENTS CAN DO

As a part of Peoples Drug Stores' new program, "Your Kids And Drugs. Spot It/Stop It", the pharmacists at Peoples have prepared a series of informative, free pamphlets. Once parents are better informed through these pamphlets, they'll be better able to prevent their children from using drugs.

In addition to "The Dangers Of Marijuana", pamphlets are also available at the prescription counter of every Peoples Drug Store on alcohol, cocaine, other illegal drugs, how to spot drug use, and how to protect your child from drug use.

OTHER SOURCES OF HELP

In some cases, parents may need outside help to control a drug problem. Your state or local drug and alcohol abuse authority will be able to tell you where to find professional help in your area. Many parents have found that they can be more successful in keeping their children drug-free by working together with other concerned parents in their community. These parent groups can be found in almost any neighborhood across the country. To find out more about parent groups, contact these organizations:

National Federation of Parents for Drug-Free Youth, 301-649-7100.

Pride (National Parents' Resource Institute For Drug Education), 1-800-241-9746.

National Clearinghouse for Drug Abuse Information, Dept. PD, P.O. Box 1908, Rockville, Md. 20850.

INCREASING POPULARITY

While surveys show a decline in the use of some drugs, cocaine use is increasing rapidly. Its high price and popularity with rock music performers, sport and movies stars has made cocaine the latest status symbol. Some business executives and professionals who would never use other drugs make an exception with cocaine because they think it's harmless. But this is not true. Cocaine use has many dangers.

WHAT IS COCAINE?

Cocaine comes from the leaves of the coca plant, which grows in South America. It is processed and then sold on the streets as a white powder. Because it is so expensive, it is usually mixed with other substances that resemble cocaine. People often pay \$100 or more for a gram of cocaine, and from 50 to 95 percent of it is a substance other than cocaine.

Cocaine is usually "snorted", or sniffed, through the nose. It can also be injected, or it can be smoked through a process called "freebasing".

THE EFFECTS

The drug takes effect quickly, especially if injected or freebasing. The user soon feels more energetic and slightly euphoric. Appe-

tite diminishes. But the "high" lasts for a very short time, and is followed by a "down" feeling of equal intensity to the high. Users will often take cocaine repeatedly to experience the high again and to avoid this depression.

Repeated use can lead to tremendous cravings for the drug. In laboratory tests with monkeys who could administer a dose of cocaine by pressing a lever, the animals would take the drug until they die of exhaustion or starvation—even with food available in their cage.

IN THE 19TH CENTURY

The current popularity of cocaine is nothing new. About a hundred years ago, cocaine was claimed to be a "miracle drug", and was prescribed for treating a wide assortment of physical and mental problems. It was even included in many "patent medicines". Sigmund Freud, the founder of psychoanalysis, enthusiastically praised the drug. He experimented with it on himself and his patients. Later, however, when a patient died and problems of psychosis and dependency became evident, Freud had to retract his recommendations. As the dangers of cocaine were realized, national and international laws were established to limit the use of cocaine to medical applications only, such as use as a local anesthetic.

PHYSICAL EFFECTS

People who snort cocaine frequently develop nasal problems. A stuffy nose may be the first symptom. Later, heavy users may develop ulcers in their nose or perforations of the septum—holes in the cartilage separating the nostrils.

People who use cocaine regularly develop a tolerance to the drug, and need to increase their dosage to get the same effect the drug once had.

Physical symptoms of heavy use may include cold sweats, dizziness, chest pain, heart palpitations, vomiting, uncontrollable trembling, insomnia, and weight loss. Increasing numbers of cocaine overdoses are being reported. Deaths are a result of multiple seizures followed by heart and lung failure.

PSYCHOLOGICAL EFFECTS

Paranoia is a common symptom of heavy cocaine use, along with anxiety, depression, and confusion. Visual and auditory hallucinations can occur. Tactile hallucinations have also been reported, where users believed that insects were crawling beneath their skin. If the drug is used in high dosage, psychotic symptoms can result.

A GROWING CONCERN

With the increasing use of cocaine by young people, and the popular misconception that the drug is harmless, cocaine use poses a serious danger. Cocaine creates a tremendous psychological need. Many people have ruined their lives trying to support this dependence.

To help parents fight the current drug problem, the pharmacists at Peoples Drug Stores have prepared a series of informative, free pamphlets as a part of Peoples' new program "Your Kids And Drugs. Spot It/Stop It". Along with this pamphlet on cocaine, other pamphlets on alcohol, marijuana, other illegal drugs, how to spot drug use, and how to protect your child from drug use are available at the prescription counter of every Peoples Drug Store.

Learning about drugs, and sharing this information with your children, is a good first step for parents to take. Peoples' informative pamphlets can be a big help.

OTHER SOURCES OF HELP

In some cases, parents may need outside help to control a drug problem. Your state or local drug or alcohol abuse authority will be able to tell you where to find professional help in your area. Many parents have found that they can be more successful in keeping their children drug-free by working together with other concerned parents in their community. These parent groups can be found in almost any neighborhood across the country. To find out more about parent groups, contact these organizations:

National Federation of Parents for Drug-Free Youth, 301-649-7100.

PRIDE (National Parents' Resource Institute For Drug Education), 1-800-241-9746.

National Clearinghouse for Drug Abuse Information, Dept. PD, P.O. Box 1908, Rockville, Md. 20850.

Most kids will face a drug-taking decision, and their parents won't be anywhere in sight. Because illegal drugs are readily available almost anywhere they go. And peer pressure can be very strong for them to use drugs. It's up to the parents to take responsibility for keeping their children drug-free . . . however difficult the task may prove to be. But through persistence, determination, and complete commitment, parents can win the fight against teenage drug use.

FIRST, LEARN THE FACTS

In the late '60's, when the crisis of youth drug use began to emerge, information about the effects of illegal drugs on the human body was hard to find. Today, there are a number of sources for parents to turn to for up-to-date facts. In addition to the Peoples series of drug pamphlets, there are parent groups and other organizations that offer additional literature. Learning the facts is an important first step for parents. Once you are well informed about drugs, you will be better able to sit down with your children and talk about the drug problem—which is the next step to take.

TALK WITH YOUR CHILDREN

Parents should begin discussing the dangers of drugs with their children starting when they are as young as nine or ten. Although most children will have some knowledge of the subject, much of it is likely to be misinformation. It's up to the parents to set the facts straight and express their disapproval of drug use. Before the time kids enter high school, they will have to make the decision whether or not to use drugs. Parental influence is an important factor in helping them say "no" to drugs. So it's imperative that parents keep an open line of communication with their children, set limits and controls, and provide a loving, supportive family life.

Talk with your children often about the drug problem. Give them the facts about the scientifically-proven dangers of drug use. But be sure to listen to what they have to say about drugs, too . . . about the scope of drug use in their school, at parties, and peer pressure to use drugs. Honest, open, two-way discussions like these can be a tremendous help to your children.

TAKING ACTION

For some kids, learning about the dangers of drugs will be enough to stop them from using drugs. Others may choose to use drugs no matter what they are told. For these kids, it's up to parents to take a firm stand against drug use. The best way to help your child may depend on the circumstances. Parents should tell their children, in a straightforward manner, that they cannot allow drug use to continue because of the

many physical and mental dangers. Be firm in your commitment to stop the drug use, but also be understanding of the peer pressure your child may be under to use drugs. Try to find ways to help your child resist this pressure.

If drug use continues, grounding the child may be a good disciplinary action, as it gives the parents a chance to talk more with the child, and it may also work to separate the child from peer pressure to use drugs. If necessary, however, parents must not be afraid to seek professional help. There are federal agencies, community mental health centers, and parent groups that can be of great assistance. To find professional help in your area, contact your state or local drug and alcohol abuse authority.

PARENT GROUPS

The most dramatic progress in the fight against the youth drug problem has come with the formation of parent groups. All across the nation, thousands of parents have joined together in community groups ranging in size from three or four parents to much larger numbers. No matter where you live in the country, chances are, there is a parent group active in your neighborhood.

Most of these groups were started through the help of one of several national organizations. These organizations include: The National Federation of Parents for Drug-Free Youth; and PRIDE (National Parents' Resource Institute for Drug Education).

To find out more about these parent groups, to get in contact with a parent group in your area, or to get help in forming your own parent group, contact these organizations:

National Federation of Parents For Drug-Free Youth, 1820 Franwall Avenue, Suite 16, Silver Spring, Md. 20902, 301-649-7100.

PRIDE, Robert W. Woodruff Building, Suite 1216, 100 Edgewood Avenue, Atlanta, Ga. 30303, 1-800-241-9746.

National Clearinghouse for Drug Abuse Information, Dept. PD, P.O. Box 1908, Rockville, Md. 20850.

DON'T GIVE UP

When parents try to stop a child from using drugs, they are often met with great resistance, resentment, and hostility. Parents must not back off, though. The dangers that drugs present—biological damage, psychological damage, and a lowered potential for a successful future—are well worth every effort a parent can make to keep their children drug-free.

As a part of Peoples Drug Stores' new program, "Kids And Drugs. Spot It/Stop It", the pharmacists at Peoples have prepared a series of informative, free pamphlets. Once parents are better informed through reading these pamphlets, they will be better able to prevent their children from using drugs.

In addition to this pamphlet on how to protect your child from drug use, pamphlets have also been prepared on how to tell if your children use drugs, and the latest facts on marijuana, alcohol, cocaine, and other illegal drugs. These pamphlets are available at the prescription counter of every Peoples Drug Store.

In the fight against drug use, there is some cause for optimism. Recent surveys show a decline in the use of some drugs, such as marijuana, by kids.

So be persistent in your efforts to keep your kids drug-free. Show complete commitment and dedication. Above all, don't give up.

THE SPACE STATION

Mr. HEFLIN. Mr. President, I recently had the opportunity to speak before the Institute of Electrical & Electronics Engineers' Annual Electronics and Aerospace Conference and Exposition. The theme of the conference was "The Space Station—An Idea Whose Time Has Come," and I was privileged to share the platform with Mr. James Beggs, Administrator for NASA. It is my belief that the space station is an idea whose time has indeed come.

Today I rise to urge my colleagues to join with me in support of NASA's space station program and to request the administration to consider the space station as a new start for fiscal year 1985. When I accepted the ranking Democrat position on the Science, Technology and Space Subcommittee, I stated that my primary goal was to see that the United States maintain its leadership in space science and engineering technology. After carefully studying our country's scientific and engineering technology needs, I am convinced that the space station program is a vital step if we are to continue our leadership in space science and engineering.

Mr. President, I recently made a speech before the Senate concerning the importance of an experiment conducted on the space shuttle flight. This experiment involved a new diabetes treatment that would keep sugar levels in diabetics normal and halt the development of the associated complications of blindness, kidney failure, and shortened lifespans. Market projections for this and other pharmaceutical products from space show that they can generate annual sales of \$20 billion in the developed nations.

If we are to fully develop these benefits for mankind we must have expanded space capability. Short-duration shuttle flights are not sufficient. A permanent space station would provide us with the capability for continuous research 365 days a year.

Mr. President, I ask unanimous consent that my speech to the Institute of Electrical & Electronics Engineers on the space station, as well as Mr. Beggs' speech, be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SPACE STATION—A CONGRESSIONAL PERSPECTIVE

(By Senator Howell Heflin)

I am pleased to be a part of this Institute of Electrical and Electronic Engineers (IEEE) Conference on Electronics and Aerospace. I am honored by your invitation to give a congressional perspective on the development of a U.S. space station.

I congratulate the IEEE for its contributions to the space program. This month's IEEE Spectrum publication, devoted to space and in honor of NASA's 25th anniversary, is an excellent description of our space

efforts. That publication, as well as conferences such as this, generates dialogue—including the controversy, that is necessary for national decisionmaking. Only through a fully informed public can national commitments be made that are satisfying and thereby supported by the populace. Citizens must share the available information and be convinced that important national needs are being achieved. I encourage you, and I am sure that the IEEE will keep up the good work of informing the public.

From the IEEE position statement on the U.S. civilian space program, I noted a statement that IEEE believes in a balanced space program. Now, this word—balanced—may well describe the congressional perspective. In Congress I find myself pressed to choose among conflicting demands for scarce Federal dollars. In this competition my colleagues and I must weigh all alternatives and look for a balance.

I feel that Congress does strive to balance the many Federal programs. To explain why I feel this, we need to think about how the Federal Government budget process works—that is, the way all Federal programs, including the space program, are selected and funded.

Each January the President presents his budget request to the Congress for its approval. The budget is for the upcoming fiscal year. Thus, this past January we first saw the budget for fiscal year 1984 which begins next month.

Before the Congress and the public see the budget, the executive branch internally evaluates their priorities. The agencies participate; the Office of Management and Budget is directly involved as are other White House offices such as the President's Science Adviser's Office. I am sure that Mr. Beggs and Dr. Reis have spent a lot of time in these deliberations. Ultimately, the President himself must resolve any disputes over priorities. Once priorities are set, agency requests such as those by NASA become part of the President's package sent to Congress.

Each budget item is reviewed by the Congressional committees with corresponding jurisdiction. There are authorizing, appropriating and budget committees in both the House and Senate. Thus, for NASA, they must appear before six committees to justify their programs. And each of those committees must consider other agency requests than just those involving NASA. Retaining a balance among all Federal programs is not easy. The various Congressional committees get input from many sources: The agencies, contractors, academia, the scientific and technical community, the interested public and congressional research arms such as the Congressional Budget Office and the Office of Technology Assessment. You will hear from Dr. Gibbons later this morning.

Congress as a whole must complete the authorization and appropriations process, including getting the President's signature, by the end of this month. It doesn't always work that way, but fortunately, this year for NASA we completed the entire process by July 15.

Making a decision in Congress to fund any program, let alone a multibillion-dollar program such as a space station, is not easy. It is important to note that before such a decision is made there is a tremendous amount of independent review by many capable and conscientious people over a significant time period. I am convinced that when we address the question of whether the space station's time has come, Congress will have the information upon which to base a decision.

Separate legislation is not required to initiate a new start on a space station. It can be readily handled through the normal annual authorization and appropriations process. The Federal budget process is firmly established and geared to accommodate this decision. Conceivably, the President could request such a new start next January, and the Congress approve it next summer. Or, the Congress could approve it on its own, but this is less likely for such a major undertaking.

From a personal point of view, I am delighted to tell you that I supported the additional money we put in for the space station studies in NASA's fiscal year 1984 budget. I am a firm believer in our space program, and I have worked for its advancement through the Science, Technology, and Space Subcommittee.

I join together with Senator Hollings and Senator Glenn in calling for the development of a space station. I urge President Reagan to add his support.

Only by continuing our space program can the U.S. expect to maintain its leadership in science and engineering. This technology leadership is vital to our national security and well-being. I have no question but that NASA can and will continue to be the right organization for our space development and exploration.

NASA's performance record is unrivaled. They have built spacecrafts that have operated years beyond their predicted life. They have built complicated hardware that performed flawlessly with reliability rates that are unmatched anywhere. And importantly, they have demonstrated under the glare of public scrutiny, not behind a curtain, technical feats that have impressed and inspired all of mankind. I look forward to following their program this year and reviewing their program proposals for next year.

Just as for any program, those proposals that are clear, specific and balanced have the best chance for acceptance. If we consider a space station, we must know exactly what it is we are going to do with the station and clearly define the station's characteristics. The public must also share this view of the benefits, know-how, and opportunity afforded by a space station.

There are many issues to be resolved. One is man versus machine. Certainly man has a vital role in the operation of a space station. However, with all the advances in electronics, automation and robotics, I am sure that we will see significant use of this technology. That certainly is the trend here on the planet Earth, and I see no reason not to exploit our technology leadership in electronics and robotics in space.

Not only must we balance man and machine usage, but we must balance the scientific goals of space exploration. Some argue that it is better to fund a multitude of developments incrementally than to commit the Government years in advance to huge investments in a specific project whose rationale may shift before it is completed. Others contend that many scientific undertakings get carried along on these large projects that would not otherwise be funded. I am very aware of the concerns of many in the scientific community that their worthwhile and deserving projects are considered in competition with new initiatives like the space station. I assure you that I will keep your interests in mind.

One of the most promising areas that would be affected by a space station development would be space applications. Historically, the applications part of the space

program has been a major contributor to our economic and public safety goals. The space communications developments of the past are well known to this audience. Likewise, our citizens have grown to depend on weather and land remote sensing satellites. More recently we have heard about the very promising area of materials processing.

The area of materials is one I'm particularly excited about because I believe that its future is as promising as those of space-based communications and Earth observation. Our ability to realize this promise of materials processing depends heavily on the development of a space-based system such as a space station. It also depends on U.S. industry and NASA to find a way to maintain a sustained level of effort in materials processing research and development. We must find a way to avoid the short-term outlook and accept the promise of the long-term benefits.

Materials processing, communications and other applications programs illustrate a fact of life, namely there is a great deal of international competition today in space. While this competition is healthy, we should not overlook the benefits of international cooperation in space. This has been a great accomplishment of our space program, and I would hope that the development of a space station would provide an opportunity for continued cooperation.

I will not dwell on questions of national security, but it is safe to say that maintaining a leadership position in space will be a key component of our future security. How a space station works into an overall strategy will be a key question the Congress will ask.

The last issue I would share with you involves the role of the private sector in space station development. It is becoming increasingly apparent that we need to involve other industries in space than just the aerospace community. In materials processing we have such an example. We need to explore ways to have greater innovation and risk taking within the private sector if we are to achieve the benefits of space commercialization. I would like to see the space station used to explore new and innovative relationships with the private sector other than just the Government-contractor relationship.

In conclusion, my response to the question which organized this conference is yes, the space station is an idea whose time has come. There is little question about the ultimate importance of such an endeavor. It is tied to our economy, to national security, to advances in science and applications, to maintaining technological leadership, for international prestige, and of course for the human spirit.

Now we must begin to deal with such questions as scale, cost, timing, that is, many of the specifics. And, we must maintain the balance in our space program I referred to earlier. I am committed to participating in this exciting effort.

Thank you.

STATEMENT OF JAMES M. BEGGS, ADMINISTRATOR, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Thank you and good morning.

The subject of this session is, of course, very timely and I appreciate the opportunity to participate.

A decade or so ago, a session like this on whether it is time to build a space station might have been considered an academic exercise. We had made a major national com-

mitment to develop the Space Shuttle. And although the Shuttle originally was conceived to be part of a total system, including a space station, it was decided to go ahead only with the Shuttle in view of other national priorities.

Today the picture is very different. The Shuttle is operational and we are very pleased with how it is turning out. The program has moved forward very well after a slip of a few years. And it has demonstrated that the work we have done over the past decade was well conceived and has great promise for the future.

Each time the Shuttle flies, it demonstrates increased capabilities. And as we move out into the time when the Tracking and Data Relay Satellite System will be fully operational, we will have versatile and unique capabilities to do scientific and engineering work in space.

With the Shuttle, we are making dramatic and timely progress in learning to live and work in space. It is a truly impressive vehicle. And as time goes on, we are finding that its performance surpasses even the expectation of its designers.

But the Shuttle allows us to stay in space for only a short time. And while we can extend that time to about a month, we cannot extend it to long-duration, long-endurance space flight.

To do work of long duration, to do all the things we have always dreamed of doing beyond low earth orbit, and to realize the true potential of the space environment, we will need a Space Station.

I believe that a Space Station is, indeed, an idea whose time has come. Sooner or later, this country is going to take the next logical step in space and will build one.

And the sooner we do so, the better it will be for us, because a space station is essential if we are to maintain our preeminence.

We did not get to our present position of leadership in space by accident.

We got there because we had the imagination to dream great dreams and the national will to fulfill them.

We got there because the partnership of government, industry and our universities built up over the years created a scientific and high technology base second to none.

And we got there for the good common sense reason that we saw our opportunities, and moved forward to grasp them with boldness and courage. In the process we reached beyond our experience to do things no one had ever done before.

As the Greek historian Thucydides once wrote: "Wealth to us is not mere material for vainglory, but an opportunity for achievement."

We have achieved magnificent things over the swift course of NASA's 25-year lifetime. And both our struggles and successes have been open for all the world to see, beginning with the launch of our first satellite, Explorer 1. They range from the succession of planetary explorers—the Mariners, the Pioneers, the Vikings and the Voyagers; through the Mercury, Gemini and Apollo programs to the development of the Shuttle.

We owe our leadership to vision, courage, perseverance and excellence in pursuing our goals.

But today the leadership we worked so hard to achieve is being challenged around the world.

The Europeans are giving us stiff competition. They have sophisticated scientific and applications satellites and they have the Ariane rocket, a reliable launch vehicle.

Moreover, they recently announced that they intend to go beyond Ariane into the field of manned space flight.

The Japanese have made it clear they are moving into the space launch business to stay.

And the Soviets are becoming ever more aggressive in pursuing their program. They are attempting to move into the commercial launch business with their "Proton" rocket. They have already surpassed us in long-duration space flight, having orbited cosmonauts for as long as 211 consecutive days. And they have announced plans to set up materials processing production facilities in orbit.

It is obvious that international competition in space will continue. The Europeans will not stop. The Soviets will not stop. The Japanese will not stop. And we cannot afford to stop if we are to maintain our leadership position, not only in space science and technology and manned space flight, but in high technology across the board.

Shakespeare once wrote, "Delays have dangerous ends."

I believe it would be not only dangerous, but tragic if we were to lose our momentum and let others pass us by. Now is the time, not to fall by the wayside, but to make a national commitment to our next great goal—a permanently Space Station in low earth orbit to be serviced by the Shuttle.

As you know, NASA's planning for a possible Space Station began a little over a year ago so as to give the President and the Congress solid information to base a decision on. We are close to that decision point now and I certainly hope that we will get the green light to proceed within the next few months.

The Space Station, as we envision it, will be used by all elements involved in the space program.

It will be used by the scientists, because we can do more sophisticated and more complex experiments using the station as a base for scientific payloads. Also, it will allow us to tend, improve, repair and replace those payloads as time goes on.

It will be used by the private sector for such things as space manufacturing, and materials processing and for a host of new commercial activities that could transform our life on earth in untold ways. The McDonnell Douglas-Johnson and Johnson electrophoresis experiment, which has already flown several times on the Shuttle, shows that molecules can be separated faster and with greater purity in gravity-free space than on earth. Indeed, scientists say that pharmaceutical factories in space may be a reality in a few years. Certainly a Space Station would hasten that day.

It would also hasten the advent of the truly commercial era in space that we have been dreaming about for the past quarter century. The most important commercial developments are ones that we have not yet dreamed of, simply because we have not been operating in space long enough to realize the potential that is there to develop.

NASA, of course, would also use a Space Station for its own activities, which have served the nation so well by stimulating high technology innovation and economic growth. We see it, in essence, as a research center in space through which we would hope to attract greater international involvement and cooperation.

Many of NASA's programs have been, to some degree, international in nature and are becoming more so, as more nations under-

take space-related activities and use space data. I believe there are 148 such nations today.

But a Space Station lends itself uniquely to international cooperation. If we can attract such cooperation, if we can join with other nations as partners in such a venture, the benefits would be mutual. We would have a highly visible symbol of what free people, working together can accomplish.

A Space Station would provide another important benefit to the nation. It would enhance our national security. Military strategists view space as the new high ground from which to defend the nation. And I am confident that as our plans mature, the Department of Defense will find many advantages in having a Space Station, probably their own, in low earth orbit.

To sum up, I see a Space Station as an essential stepping stone to the future. With it, and with the use of an orbital transfer vehicle, which we will ultimately develop to move us to geosynchronous orbit, we will be able to operate routinely some 22,000 miles above the earth. And from there, perhaps we will begin to realize Wernher Von Braun's great dream of going back to the moon to build a base, and from that base, mounting a manned expedition to Mars.

I believe that we will be able to accomplish all of these things within the next 25 years so that when NASA celebrates its Golden Anniversary in the year 2008, we will look back on our first quarter century of achievement as just the beginning.

The great Russian space pioneer Konstantin Tsiolkovsky once said, "The earth is the cradle of mankind; but man cannot stay in the cradle forever."

It is mankind's good fortune that the challenge of exploring and developing space is a job of infinite duration. Space is, indeed, as someone once said, "an endless frontier," one that never ceases to excite and to amaze. And, as our search for knowledge leads us from one high point to another, we know that the great adventure of exploring the unknown will continue to give new life to our common dreams.

Thank you very much.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business has expired.

MARTIN LUTHER KING, JR., HOLIDAY

The PRESIDING OFFICER. Under the previous order, the hour of 9 a.m. having arrived, the Senate will now proceed to the consideration of H.R. 3706, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I move to commit H.R. 3706 to the Committee on the Judiciary, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

There are 20 minutes, equally divided, on this motion.

Mr. HELMS. Mr. President, I understand that the distinguished majority leader may seek a unanimous-consent agreement to extend the debate. He will address that question.

Mr. BAKER. Mr. President, if the Senator will yield to me, that is correct. I may do that. We are involved in the cloakroom process to try to make it 40 minutes equally divided, so that there will be 20 minutes on a side, rather than 10 minutes on a side. I will not make that request at this time, but I hope to be able to clear it shortly.

Mr. HELMS. I thank the majority leader.

I might add that the extension of time was not at my request.

I am convinced that the minds of Senators are virtually made up, and it is a matter of running out the clock.

(The following proceedings occurred later, during the remarks of Mr. HELMS:)

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mr. HELMS. I yield.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for debate on this motion be extended until 9:40 a.m., which is 40 minutes in total, to be equally divided. The vote on the motion will occur at 9:40 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Will the majority leader agree with me, for the record, that I did not request the extension of time?

Mr. BAKER. Yes. I say for the Record that the Senator from North Carolina did not request the extension. He very graciously acceded to it.

Mr. HELMS. I thank the Senator.

Mr. President, I ask unanimous consent that the proceedings just concluded appear elsewhere in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Conclusion of later proceedings.)

Mr. HELMS. Mr. President, the creation of a legal public holiday is a matter of no small moment. We have nine public holidays now, and of those nine, only three honor individuals: Christmas Day for Jesus Christ, Washington's birthday for George Washington, and Columbus Day for Christopher Columbus. The proposal now before the Senate seeks to add Martin Luther King, Jr., to this list.

Mr. President, I have moved that this bill be committed to the Judiciary Committee for a very simple reason. The Senate, to be blunt about it, has not done its homework on this matter. Despite the rarity of holidays for individuals in our country, we are obviously on the verge of passing this bill without 1 minute of consideration by a committee, let alone hearings, in the Senate.

When the Senate received this bill in August, the bill did not go to committee, as is normal procedure, but it went straight onto the Senate calendar. I find no fault with the majority leader having exercised his right in this regard. I do wish he had checked with me and perhaps some others before he implemented that judgment. But that responsibility is uniquely his, and I do not criticize him in the slightest.

At the same time, while this may be acceptable practice on bills of little importance, it is not acceptable for measures as serious and as far reaching as a new national holiday which will shut down this country for another day each year.

Moreover, Dr. King, to say the least, was a highly controversial figure during his lifetime and remains so today.

Given these facts, it is only reasonable and prudent that the Senate slow down a bit, give this matter the full and careful consideration it deserves, and send it to the Judiciary Committee for hearings and a comprehensive report before the Senate finalizes its judgment on the issue.

Mr. President, on October 3, when the debate on this matter began, I put into the RECORD a comprehensive report detailing the political activities and associations of Dr. King and Dr. King's associates over a long period of time. The record is clear about his association with far left elements and elements in the Communist Party U.S.A. Some of the proponents of this measure may not like the truth, but that is the truth.

On the other hand, if they contend that it is not the truth, why do they object to hearings?

My father told me many, many times that the best way to prove that a stick is crooked is to lay a straight one beside it.

No, Mr. President, the Senate is ducking this issue. I recognize the political pressures involved in this issue. I cannot begin to say how many Senators have come to me in the cloakroom and have said, "Jesse, you are exactly right about this thing; but if I stand with you, the newspapers back home will eat me alive."

I said, "What do you think they do to me?"

Mr. President, the report that I placed in the RECORD on October 3 recited Dr. King's efforts to hide his as-

sociations with far left elements and Communist Party U.S.A. elements.

But very clear throughout the record, Mr. President, is the fact that Dr. King's speeches and remarks contained insults to his own country and the institutions of this country and I also mentioned in that report the unsuccessful efforts of President John F. Kennedy and Attorney General Robert F. Kennedy to persuade Dr. King to break off his associations.

I shall wait until the distinguished Senator from Massachusetts makes his remarks, but following my comments on October 3, Senator KENNEDY, according to the CONGRESSIONAL RECORD, made certain observations about canards and that sort of thing, but Senator KENNEDY's argument is not with the Senator from North Carolina. His argument is with his dead brother who was President and his dead brother who was Attorney General and not with the Senator from North Carolina.

I reiterate, Mr. President, the report that I inserted in the RECORD on October 3, was not based on assertion, rumors, or so-called segregationist propaganda. It was based on the most recent scholarship of academic liberals, on the findings of official investigative bodies, and on the speeches and writings of Dr. King himself. My sources for the report are contained in the 62 footnotes printed at the end. And no one, no one, Mr. President, has refuted the evidence that I presented, and accordingly I assume that it deserves the close consideration of the Senate.

In addition, Mr. President, since October 3, the FBI has released under a Freedom of Information Act request some 65,000 documents relating to Dr. King. Needless to say, neither the Senate nor I have had an adequate opportunity to digest this volume of material, much of which has been heavily censored. Samples, however, have been made available to my colleagues and they, like the other evidence I have presented, raise questions which deserve close consideration by the Senate, and such consideration can best be given by sending the bill to the Judiciary Committee for independent evaluation.

I say again that if after hearings, if during hearings it can be proved that there is not cause for concern, fine; I repeat what my father said, "If the stick is crooked, lay a straight one beside it; don't hide it, don't ignore it; confront it."

In addition to my evidence and the FBI materials, considerable evidence on Dr. King is being kept secret under a court order at the National Archives. At this very moment, the court is hearing a motion to which I am a party that the records be provided to the Senate, in confidence if the court sees the necessity of it, but the Senate

will vote on this motion to commit to the committee before the court will act.

Now I noticed a ridiculous statement made by a Justice Department lawyer in court yesterday, something to the effect that the privacy of Dr. King's family must be protected and that I had no regard for it. If there is a less private family in this country than the King family I really am not aware of it. The King family has been pushing for this holiday and I see Mrs. King, the widow of Dr. Martin Luther King on television with great frequency.

But the privacy issue aside, I think the public's right to know and certainly the Senate's responsibility to know are paramount.

I do not recall that there was a great deal of privacy accorded some other people who ran into difficulty during their lifetime.

So, Mr. President, we now have before us a strange situation. On the one hand, Congress is on the verge of enacting a national holiday for Martin Luther King, Jr., shutting down the country for a 10th day each year, with not 1 minute of Senate hearings on the matter, and by that I mean this Senate, not some Senate in the past—I am talking about the Senate of today, constituted by the Members of today—and a total lack of normal Senate investigation of a major bill. On the other hand, extensive evidence on Dr. King is now, this day, in possession of Federal agencies in the executive branch.

And that is why I am urging, no doubt unsuccessfully, that my colleagues move to correct this glaring anomaly and at least send the bill to the Senate Judiciary Committee for consideration.

Mr. President, James Jackson Kilpatrick has written a most revealing article on this subject, supporting the contention that more investigation of this matter is necessary. It appeared in the October 10 edition of the Durham Morning Herald in my State and in many newspapers around the country. I ask unanimous consent to have printed in the RECORD that article at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair. (See exhibit 1.)

EXHIBIT 1

HELMS' CHARGES SHOULD BE INVESTIGATED (By James J. Kilpatrick)

WASHINGTON.—We have witnessed some shameful performances in recent years by leading elements of the American press. Most of these abuses have involved acts of commission—the smear job, for example, that The Washington Post performed on the Reagan appointees to the Legal Services Corporation.

What we are witnessing now is an act of abject omission. Where are the nation's fearless editors, where are the hard-nosed legions of investigative reporters, in the

matter of Martin Luther King Jr.? They are silent as mummies in the tombs of the pharaohs. Most of these editors and reporters are liberal to ultraliberal in their political persuasion; they cannot bear the awful thought of digging seriously into the background of a folk hero who is about to be honored by a federal holiday in his name.

Sen. Jesse Helms of North Carolina attempted to discuss some of King's record on the floor of the Senate. The response was predictable: Fellow senators attacked Helms for a breach of manners. Edwin M. Yoder Jr., writing in the Post, said Helms was scoring "debating points from the gutter." Helms was "resurrecting indecent canards of the '50s and '60s about King and the civil rights movement, including the ridiculous charge that they were inspired by Marxist-Leninism."

The question that a vigilant press ought properly to ask of Helms' charges is, Are they true? Never mind Yoder's hyperbole about "gutter" points and "indecent canards." Before the travesty is complete, by which we elevate Martin Luther King to the level of George Washington, sober consideration should indeed be given to some of the materials Helms is presenting.

I myself have neither the time, the resources nor the staff to attempt such an investigation. A good deal of the work already had been done by David Garrow, a professor of political science at the University of North Carolina, in a book published by W. W. Norton in 1981, "The FBI and Martin Luther King Jr." Garrow is pro-King and pro-holiday, but he does not flinch from the evidence.

The evidence demonstrates convincingly that Martin Luther King Jr. was buddy-buddy with well-identified communists from the early 1950s to the time of his death in 1968. Bayard Rustin, a stalwart of the Young Communist League; was at one time King's secretary. Hunter Pitts Odell, who in 1956 took the Fifth Amendment on questions involving his communist activities, also served on King's staff.

The record is replete with evidence linking King to the notorious Highlander Folk School, a communist training center. King's close associates included such figures as Abner W. Berry, James A. Dombrowski, Paul Crouch, and Carl and Anne Braden. The shadowy figure of the late Stanley Levison floated in and out of King's life. In his book, Garrow traces this relationship. The FBI has traced it also, and finds evidence that for at least 10 years Levison played a secret role as a funnel of money from the Communist Party to various communist fronts.

King was a revolutionary. His economic views went directly to the redistribution of wealth according to the theories of Marx and Lenin. Though he preached "non-violence" and "civil" disobedience, he repeatedly violated the criminal laws. King lent his name and his prestige freely to events sponsored by communist fronts, for example, the National Conference for New Politics in Chicago in 1967, where he served as a keynote speaker. Among the sponsors: The W.E.B. DuBois Clubs, the Communist Party U.S.A., the Socialist Workers Party, the Revolutionary Action Movement and the Draft Resistance Union.

King dabbled in foreign affairs. His American Committee for Africa supported the communist terrorist Holden Roberto. In a major address at Riverside Church in New York City, a year before his assassination, King denounced the United States in a

speech that might have been drafted in Hanoi. Even the Washington Post was appalled by King's excesses.

I scratch the surface, and I repeat an earlier thought: Congress ought to wait 50 years before formally memorializing anyone. This month's vote in the Senate should be postponed at least to the spring of 2018.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

Mr. President, I will respond to the points made by the Senator from North Carolina. First of all, the suggestion by the Senator from North Carolina that there have been no hearings on this issue is completely inaccurate and false.

Mr. HELMS. Mr. President, a point of order.

Mr. KENNEDY. Mr. President.

The PRESIDING OFFICER. Will the Senator yield for a point of order? Mr. KENNEDY. I do not yield the floor.

Mr. President, I have in my hand the sets of hearings held jointly by the Senate Judiciary Committee and the House Post Office and Civil Service Committee on March 27, 1979, on June 21, 1979. These joint hearings were held on the issue of establishing a national holiday to honor Martin Luther King.

Mr. HELMS. Point of order.

The PRESIDING OFFICER. Point of order is called for. Under rule XIX no Senator during debate shall directly or indirectly by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. KENNEDY. Mr. President, the statement of the Senator from North Carolina is inaccurate. I do not impute any motive to the Senator. I simply say that his statement is inaccurate and false. If the Chair wants to make a ruling, I have the hearings right here in my hand.

If the Chair would like to examine the hearings, the Chair is prepared to do so.

The PRESIDING OFFICER. Under rule XIX when a Senator is called to order he shall take a seat and may not proceed without leave of the Senate which if granted shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate.

Mr. KENNEDY. Mr. President, may I continue?

The PRESIDING OFFICER. Is there a motion to that effect?

Mr. KENNEDY. Mr. President, these hearings were held with—

Mr. HELMS. Mr. President, regular order.

The PRESIDING OFFICER. The Senator will withhold.

Mr. HELMS. The Senator needs to learn the rules.

The PRESIDING OFFICER. Is there a motion?

Mr. MATHIAS. Mr. President, is it in order for me to move that the Senator from Massachusetts may proceed with his statement?

The PRESIDING OFFICER. It is in order.

Mr. MATHIAS. I so move.

The PRESIDING OFFICER. The question is on the motion.

Mr. HELMS. Just a minute. Will the Chair state the motion? I was in a conference.

The PRESIDING OFFICER. The motion is that the Senator from Massachusetts may proceed. It is not debatable.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that I might proceed without the time being charged against the time allocated for debate on the motion of the Senator from North Carolina at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I was away from the Chamber at the time that the rule XIX controversy arose. But I have now asked the Official Reporters of the proceedings of the Senate to read to me the transcript. I believe I understand how the problem arose and even though I was not here I can feel and appreciate the emotions that go with an issue of this sensitivity.

As I recall the RECORD as it was read to me, the point of order was made by the Senator from North Carolina that the Senator from Massachusetts had infringed the provisions of rule XIX of the Senate by saying that there had been false and inaccurate statements made by the Senator from North Carolina.

Mr. HELMS. Correct.

Mr. BAKER. I think, frankly, that the hooker in this comes because we in the Senate, and I guess most other places these days, tend to join words together that do not have the same or equivalent meaning. There is a difference between false and inaccurate.

"False" perhaps would imply a violation of rule XIX, and "inaccurate" certainly would not. However, the usage is so common in the Senate that I can fully understand how it is done. I use it myself. I do it that way sometimes in written statements and speeches I have on the floor of the Senate. But I really would not want an issue as important as the King holiday resolution or the motion to commit, which is contemplated by the unanimous-consent

order, to be diverted by a questionable situation under the provisions of rule XIX. Therefore, may I make a suggestion, and it will require the acquiescence of both the Senator from Massachusetts and the Senator from North Carolina. I hope both of them will consider this in the interest of proceeding on this important matter and doing so in a timely way.

I would suggest, Mr. President, that by unanimous consent the word "false" be stricken from the transcript and the word "inaccurate" be left in, and that the Senator from North Carolina, who made the point of order, and I believe got the yeas and nays on the point of order—

Mr. HELMS. I did not.

Mr. BAKER (continuing). That the Senator from North Carolina as a matter of right may withdraw his point of order on the basis of that correction. The motion of the Senator from Maryland that the Senator from Massachusetts may proceed under the provisions of rule XIX is perfectly in order and fully contemplated in the rule. As I understand the Chair, the yeas and nays were not ordered. Therefore, if the Senator from Maryland would wish to do so, he could withdraw his motion and we would be back where we started from.

The record would then reflect by order of the Senate that the statement of the Senator from Massachusetts was that the statement of the Senator from North Carolina in respect of hearings was inaccurate.

Mr. President, may I first ask the Senator from Massachusetts—I will ask either Senator, whichever chooses—I will create another flap here if I am not careful. Let me ask either Senator if they are inclined to agree to that effort.

Mr. HELMS. Reserving the right to object, Mr. President, I would be perfectly willing to let this matter drop if the record is made clear that the distinguished Senator from Massachusetts was clearly in error when he said that I made a false and inaccurate statement about this Senate never having conducted hearings. I took great pains at the time I made the statement, Mr. President, to say this Senate as presently constituted, and I submit that is an absolutely correct statement. If the record will be made clear in that regard, we could go right ahead and I would not object to the unanimous-consent request by the majority leader.

Mr. BAKER. Mr. President, my unanimous-consent request is simply that the word "false" be expunged from the RECORD and that the point of order be withdrawn and that the motion be withdrawn. That is my unanimous-consent request. Of course, Senators will wish to interpret that as they please, but I believe that we have

here an inadvertence that can blow up in our face and it is not worth that.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. I yield without losing my right to the floor.

Mr. BYRD. Mr. President, I think the majority leader's recommendation is the best that can be made under the circumstances. I would hope there would be no objection and that we can proceed with the debate and put this matter behind us. I hope there will be no objection.

Mr. BAKER. Mr. President, once again, what I am asking is that the word "false" be expunged from the RECORD and that the point of order be withdrawn and the motion withdrawn.

Mr. KENNEDY. Mr. President, I will not object to the request of the majority leader. I am interested in getting into the substance of the statements and debate by the Senator from North Carolina. It is quite interesting—having been here for some 20 years, and having been very much involved in the debates and discussions about the changes in the rules on filibusters, and hearing from some Members of the Senate that the Senate is an ongoing and continuing body, and, therefore, it is going to take a certain number of Senators to change or alter the rules—now to have it suggested that each Congress or each Senate at the time that we meet is a separate entity.

I want to say there have been important reasons for the establishment of the rules. I am interested in the substance of this issue and in making the record. I believe the statement of the Senator from North Carolina is false—I would do my best to substantiate that—or is inaccurate. If the majority leader makes such a motion, I will not object to it and we can proceed with the debate.

Mr. BAKER. The request is that the word "false" be expunged from the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAKER. I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, can we get back to the request on time? Could I have the attention of the majority leader?

Mr. BAKER. If you promise not to upset him.

[Laughter.]

Mr. KENNEDY. It is pretty early in the morning to be on a fast track like this.

Would the leader work out the time now so we will have an opportunity to have debate on this matter?

Mr. BAKER. Mr. President, my initial unanimous-consent request was that the time I consumed in propounding the unanimous-consent request

would not be charged against the time allocated to the debate on the motion. I do not know how much time we have consumed. Will the Chair advise how much time remains on the motion and when the vote will occur?

The PRESIDING OFFICER. The vote will occur at 9:40 a.m.

Mr. BAKER. Could I inquire of Senators if there is a need to change that? Does the Senator from Massachusetts wish additional time?

Mr. KENNEDY. I think the time was approximately 2½ minutes. I do not intend to speak long but I would like to respond.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for debate be extended by 5 minutes.

Mr. KENNEDY. By how long?

Mr. BAKER. Five minutes.

Mr. KENNEDY. With all respect, 20 minutes was originally agreed to. I was told we would have at least 10 minutes to a side. At a minimum I would like to have at least 10 minutes.

Mr. BAKER. Very well. Mr. President, I ask that the time be extended until 9:50 a.m.

Mr. HELMS. I will yield any time I may have remaining to the distinguished Senator from Massachusetts.

Mr. BAKER. And that 10 minutes of that time be allocated to the Senator from Massachusetts.

Mr. EXON. Reserving the right to object, the Senator from Nebraska would like a few minutes on this subject. Who is controlling the time, may I ask?

Mr. BAKER. Mr. President, originally the vote was to occur at 9:20 a.m. In order to accommodate Senators who are arriving from out of town on both sides of the aisle, we extended that time until 9:40 a.m. We are now extending it to 9:50. The time for debate on the matter is under the control of the mover of the motion (Mr. HELMS), who has relinquished all of his time except 10 minutes, the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. MATHIAS), and as the chairman of the committee may designate.

Mr. EXON. Reserving the right to object, may I inquire of the Senator from Kansas or the Senator from Maryland, if I could have his attention, if they would guarantee the Senator from Nebraska 3 minutes in opposition to the motion to commit?

Mr. MATHIAS. I am wondering if the Senator from Nebraska could settle for 2 minutes. I am not sure how long the Senator from Massachusetts is going to require. I will need a few moments myself to say just a few words as the author of the bill. I think we can save 2 minutes.

Mr. BAKER. Mr. President, let me use a minute. I ask that the time be extended to 9:55, with 10 minutes of that time allocated to the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, and that the vote on or in relation to the motion occur at 9:55 a.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, in order for the record to officially show the managers of the bill, I wish to say I have designated the distinguished Senator from Kansas (Mr. DOLE) and the distinguished Senator from Maryland (Mr. MATHIAS) as managers of this bill. One of them will be present throughout this hearing.

Mr. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, was the motion for the yeas and nays withdrawn or is it still pending? Is that included in the unanimous-consent request, the request for the yeas and nays on the motion to permit Mr. KENNEDY to speak?

The PRESIDING OFFICER. The yeas and nays were never granted on that motion.

Mr. BYRD. Is the motion still pending?

The PRESIDING OFFICER. The motion is not pending. It has been withdrawn as a result of the unanimous-consent request.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I mentioned a moment ago, the allegation that there have been no hearings on the Martin Luther King national holiday is not accurate. I refer to the sets of hearings that were held between the committees of the House of Representatives and the Senate of the United States. I have before me a set of those hearings of March 27, 1979, and June 21, 1979, and actually, the report that came out of the Senate Judiciary Committee of August 1, reporting the Martin Luther King national holiday favorably by an overwhelming majority of the Senate Judiciary Committee.

Also, hearings were held in 1982, on February 23, in the House of Representatives, and again in 1983 on June 7 by the House of Representatives and the legislation was passed after debate by 338 to 90. So the suggestion that this issue has not been examined or has not been reviewed by the Senate Judiciary Committee or that information has not been available to Members of the House and Senate on the range of different items that have been raised by the Senator from North Carolina is just not right.

The Senator from North Carolina talks about the cost of this particular national holiday; those issues have been reviewed in very careful detail. Since this bill creates only a Federal

holiday, the costs that would be attributed to the Federal workers have been outlined in a Congressional Budget Office review as being some \$18 million. I include the CBO report and I ask unanimous consent that it be printed at an appropriate place in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 20, 1983.

HON. WILLIAM D. FORD,
Chairman, Committee on Post Office and
Civil Service, House of Representatives,
Cannon House Office Building, Wash-
ington, D.C.

DEAR MR. CHAIRMAN: At the request of the Committee staff, the Congressional Budget Office has reviewed H.R. 3345, a bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Junior, a legal public holiday, as reported by the Subcommittee on Census and Population.

The major budget impact from the establishment of an additional federal holiday is the amount of premium pay for employees who work on the holiday, since the normal daily payroll would be spent whether employees work or not. The Office of Personnel Management estimates the current average premium pay on a federal holiday to be approximately \$24 million. This cost would be partially offset by some savings in utility costs from closing down government offices. Based on information provided by the General Services Administration, it is estimated that the government saves approximately \$7 million in utility costs on a winter federal holiday that is observed on a Monday or Friday. (Energy savings for midweek holidays are estimated to be about \$0.5 million lower.) Thus, establishment of a new federal holiday observed on a Monday would result in net additional budgetary expenditures of about \$17 million in 1983. The bill specifies an effective date of the first January 1 that occurs more than two years after enactment. Assuming enactment in 1983, the first holiday would occur in 1986, and the estimated budgetary expenditures in that year would be about \$18 million, with similar costs in subsequent years.

While there may be other fiscal costs or benefits, they cannot be easily quantified. For example, there may be some added expenditures for overtime pay on days before or after the holiday, but the amount attributable to the holiday cannot be distinguished from overtime pay resulting from other causes. In addition, the government would lose one day's worth of output from most federal employees, but some of the work may be made up at other times. (Excluding the Postal Service, the federal government currently spends about \$210 million per working day for employee compensation). It has also been suggested that additional tax revenues may be generated from increased retail sales on such a holiday; however, any such effect is expected to be insignificant, particularly for a January holiday.

In sum, we can identify net budgetary expenditures of approximately \$18 million per year, beginning in 1986, resulting from the additional federal holiday, but there may be other budgetary and nonbudgetary costs that cannot be readily quantified. Should the Committee so desire, we would be

pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, Director.

MR. KENNEDY. The idea that when we have a Federal holiday, this country is effectively closed down is just not an accurate portrayal of what happens. We just recently went through a Columbus Day celebration. Those who were involved in that particular celebration or saw the activity know that any such suggestion or recommendation that there would be effectively a closing down of the country has not participated in a Columbus holiday, at least in many parts of the country where it is a time of enormous activity and celebration.

Finally, Mr. President, as to the suggestion that the Senator from North Carolina has made in reference to Dr. King's activities in the past and the various reports that have been available as a result of FBI investigations, I think it is important to understand that the Church committee issued a report after looking at these accusations for many months.

That was done back in 1976, and I daresay that the whole issue of the Martin Luther King birthday has been before the Senate in one form or another for almost 16 years, the current bill having been introduced in the Senate by the Senator from Maryland (Mr. MATHIAS). I welcome the opportunity to join with him. That issue has been before the Senate.

The issue which is raised by the Senator from North Carolina about the investigations by the Federal Bureau of Investigation had been reviewed by the Church committee. It laid the straight stick alongside the crooked stick, so to speak, Mr. President. Let me read from the committee's study of the FBI and Dr. King.

We have seen no evidence that either of the advisers of Dr. King attempted to exploit the civil rights movement to carry out plans of the Communist Party.

As to Dr. King himself, according to the Church committee—and that committee was bipartisan in nature—the committee was told by the FBI that, "In any event, the FBI has stated that at no time did it have any evidence"—that is, any evidence, Mr. President—"that Dr. King himself was a Communist or connected with the Communist Party."

Regrettably, I am compelled to rise once again to respond to the unworthy and unfounded charges made against Dr. Martin Luther King, Jr.

In particular, I am appalled at the attempt of some to misappropriate the memory of my brother, Robert Kennedy, and misuse it as part of this smear campaign. Those who never cared for him in life now invoke his name when he can no longer speak for himself. So I hope my colleagues, many of whom

were his colleagues as well, will permit me to speak briefly for him.

If Robert Kennedy were alive today, he would be the first person to say that it was wrong ever to wiretap Martin Luther King.

If Robert Kennedy were alive today, he would be the first person to say that J. Edgar Hoover's reckless campaign against Martin Luther King was a shame and a blot on American history.

If Robert Kennedy were alive today, he would be among the first to stand and speak for this holiday in honor of Martin Luther King—whom he regarded as the greatest prophet of our time and one of the greatest Americans of all time.

Both Dr. King and my brother Bob were struck down in the sorrowful spring of 1968.

They had become friends—and in that year, they were together seekers of a newer world. And on the night of Martin Luther King's murder, Robert Kennedy mourned him with painful eloquence in a brief speech to a crowd of thousands in Indianapolis. He told the crowd the news—and as the shock, and then anger, moved through his listeners, he sought to calm them. He said: "What we need in the United States is not division; what we need is not hatred; what we need is love and wisdom and compassion toward one another."

Now as we conduct this debate 15 years later, let me suggest that what we need in the Senate is not division or the vestiges of old hatreds. What we need, what this bill gives us the chance to manifest for our whole country, is love and wisdom and compassion toward one another.

As Robert Kennedy also said on the night of Dr. King's assassination:

Martin Luther King dedicated his life to love, to justice for his fellow human beings, and he died because of that effort.

So I believe that if he were here today, Robert Kennedy would join me and the vast majority of the Senate, and the vast majority of the American people, in saying that the least we can do in return is to dedicate a day to Martin Luther King and the dream he had—a dream which must live on if America is to live at all in the best meaning of its own nationhood. By setting aside this special day we will say to all the world, in words that echo both Martin Luther King and Robert Kennedy, that America is not only a place, a piece of geography—but a sense of justice and a set of ideals.

Mr. President, I reserve the remainder of my time.

MR. MATHIAS. Mr. President, how much time remains?

THE PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes and the Senator from Maryland has 5 minutes.

Mr. KENNEDY. I am glad to yield 3 minutes to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank my friend from Massachusetts.

Mr. President, this Senator will not support the commitment motion since, in my opinion, the Senate's time during this critical and difficult period of international and domestic difficulties should be employed properly. We should understand that, because of the stress of our times, it is almost mandated that we move ahead with the many pressing matters that face our body.

This matter should be disposed of one way or another by a majority vote. The majority leader has urged us to let the Senate work its will. We should heed his advice.

It is my opinion that we should honor Martin Luther King by distinguishing a day in his memory. It is not my belief that we should establish now another national holiday for anyone, regardless of the merits. This is a time in our history when we should go to work and not plan another day off. My vote on this issue will reflect that belief.

I urge my colleagues to expedite this process, avoid needless delay, and let the majority of this body work its will.

Mr. President, I yield back the remainder of the time provided to me.

Mr. MATHIAS. Mr. President, the Senator from North Carolina has offered us a bit of folklore to the effect that the way to see the stick is crooked is to lay a straight stick beside it. That is one of those bits of folklore which seems so simple and direct if you accept it without question, but if you think about it for a minute it is clear that the corollary is true; that if there is a straight stick you want to make look crooked, you lay a crooked stick beside the straight stick. It seems to me that that is what the Senator from North Carolina is suggesting by the course of argument that he is pursuing in this debate on the Martin Luther King, Jr. holiday. He is trying to make a straight stick look like a crooked stick.

What we are memorializing in the Martin Luther King, Jr. holiday bill is the achievement of Martin Luther King in bringing about a reconciliation of the races in America. The guns at Appomattox ended the fighting in the War Between the States, but it did not bring peace to America. Appomattox was soon followed by the assassination of Abraham Lincoln, by the tragedy of the Reconstruction era, by the rise of the Ku Klux Klan, by the invasion of the carpetbaggers, by all of the tragedies that overtook America and which persisted for a century after Appomattox. I think it was not until Martin Luther King stood on the steps of the

Lincoln Memorial and said, "I have a dream, a dream of black and white Americans living together in peace," that we finally ended the Civil War.

That is the moment we try to recapture in memory by enacting this Martin Luther King holiday bill. That is the straight stick. That is the record of an event which was not clandestinely wiretapped, which was not recorded by eavesdroppers but which was seen by the whole world in public, by a quarter million people gathered on the mall and by almost everyone else on this planet through television and radio and the press. That is the straight stick, Mr. President, and that is the reason that we should defeat the motion to commit the bill.

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. MATHIAS. If there is no Senator who desires it, I yield back the 1 minute remaining.

The PRESIDING OFFICER. The question is on agreeing to the motion to commit. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. SIMPSON), are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS), Senator from Wisconsin (Mr. KASTEN) and the Senator from Illinois (Mr. PERCY), would each vote "nay".

Mr. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 12, nays 76, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—12

| | | |
|--------|----------|----------|
| Abdnor | Hatch | McClure |
| Denton | Hecht | Pressler |
| East | Helms | Rudman |
| Garn | Humphrey | Symms |

NAYS—76

| | | |
|-----------|-----------|-----------|
| Andrews | Boren | Cochran |
| Armstrong | Boschwitz | Cohen |
| Baker | Bradley | D'Amato |
| Baucus | Bumpers | Danforth |
| Bentsen | Burdick | DeConcini |
| Biden | Byrd | Dixon |
| Bingaman | Chafee | Dole |

| | | |
|-------------|------------|----------|
| Domenici | Leahy | Randolph |
| Durenberger | Levin | Riegle |
| Eagleton | Long | Roth |
| Evans | Lugar | Sarbanes |
| Exon | Mathias | Specter |
| Ford | Matsunaga | Stafford |
| Glenn | Mattingly | Stennis |
| Goldwater | Melcher | Stevens |
| Gorton | Metzenbaum | Thurmond |
| Grassley | Mitchell | Tower |
| Hatfield | Moynihan | Trible |
| Heflin | Murkowski | Tsongas |
| Heinz | Nickles | Wallop |
| Inouye | Nunn | Warner |
| Johnston | Packwood | Weicker |
| Kassebaum | Pell | Wilson |
| Kennedy | Proxmire | Zorinsky |
| Lautenberg | Pryor | |
| Laxalt | Quayle | |

NOT VOTING—12

| | | |
|----------|------------|---------|
| Chiles | Hawkins | Kasten |
| Cranston | Hollings | Percy |
| Dodd | Huddleston | Sasser |
| Hart | Jepsen | Simpson |

So the motion to commit was rejected.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I ask the manager of the legislation on this side of the aisle if he will yield to me 15 minutes on the bill.

Mr. KENNEDY. Mr. President, I think the Senator from Maryland (Mr. MATHIAS) has control of the time of the proponents of the bill.

The PRESIDING OFFICER. The Senator inquired whether or not the leaders have designated the Senators who will be calling time.

Mr. BAKER. Mr. President, is the order drawn up like that?

Mr. MOYNIHAN. Mr. President, point of order. Do I have the floor?

Mr. BAKER. The Senator from New York does have the floor.

Mr. MOYNIHAN. I thank the Chair, and I would be happy to yield for such arrangement as the majority leaders wishes to make, but I wish to speak.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. BYRD. Will the Senator from New York yield? I designate control of time to Mr. Kennedy.

Mr. KENNEDY. I yield such time to the Senator from New York as he may need.

The PRESIDING OFFICER. The Senator will suspend.

Mr. BAKER. Will the Chair please establish order in the Senate.

The PRESIDING OFFICER. Those Senators standing in the well of the Chamber please take their seats. The majority leader.

Mr. BAKER. Now, Mr. President, the order as I understand it provides that time on the bill will be divided

equally between the majority and minority leaders or their designees. Mr. President, for the purpose of complying with that portion of the agreement I designate the distinguished Senators from Kansas (Mr. DOLE), and Maryland (Mr. MATHIAS) as they may wish to manage the time on my behalf. The order also provides that time on amendments will be divided according to, under the control of, the mover of the amendment and the manager of the bill. I believe no further designation is necessary under that requirement since the manager of the bill will be designated by the chairman of the committee.

Mr. President, I would hope the managers on both sides can arrange some sort of orderly sequence of amendments so we have some idea of what we are going to deal with and when we are going to deal with them.

Mr. President, I would urge the manager on this side to try to regulate this, the amendments, but I will try to have another announcement and I thank the Senator for this opportunity to make this statement, the designation and observation.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. MOYNIHAN. The Senator will yield for what purpose?

Mr. HELMS. I would like to make an inquiry of the majority leader.

Mr. MOYNIHAN. For that purpose I am happy to yield.

Mr. HELMS. Mr. President, I think you covered everything except some equitable consideration of the pros and cons, with everybody in charge of the time being in favor of the bill.

Mr. BAKER. Yes, Mr. President, the Senator is right. It is the usual right for the majority and minority leaders to have control but in this case I believe the majority and minority leaders are on the same side and I will confer with the Senator from North Carolina, the minority leader and managers and arrange that.

Mr. HELMS. I will say I have no apprehension about the fairness of the Senator from Maryland or anybody else but I do think the point ought to be raised.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I do not know how many Members of the Senate knew Martin Luther King. It occurs to me that it was perhaps not the majority—and perhaps not even many. I knew him and I was with him just 42 days before his assassination. He had invited me to speak to a conference of the Southern Christian Leadership Conference in Miami—Mr. President, may we have order?

The PRESIDING OFFICER. The point is well taken. The Senate is not in order. Those Senators conversing in the well please take their seats. The Senator from New York.

Mr. MOYNIHAN. On the 21st of February, 1968, I was his guest at a meeting of the Southern Christian Leadership Conference which was convened to discuss the subject of education. I gave a paper reporting some new research on the subject of the education of the urban poor, after which the Reverend Dr. King and I spoke for a bit about the prospect of doing something about the situation I had described. My presentation was basically an analysis of the Coleman study on equality of educational opportunity.

A new Congress had taken office the previous year, and one of those rare moments when social legislation can be enacted in this Congress had come and seemingly gone. We were both disappointed by this of course.

More importantly, though, there was a reaction coming, a reaction to the social progress that had been made in the course of the 1960's up to that point in early 1968—progress due in large measure to Rev. Dr. King's own work. You could feel it in the air, and Martin Luther King summed it up in one phrase. He said to me "The Congress is sick." He said to me "The Congress is sick."

Well, it may have been. It certainly gets better and gets worse as time goes by. But the Congress of the United States has never been so sick as it could be today if we were to pay attention to the filth in this brown binder that has been passed around this Chamber today. This is a Chamber in which one ought to maintain the highest standard of evidence and truth, and entertain a minimum respect for the dead who cannot defend themselves.

Well there are persons here today who will defend his name.

Martin Luther King, Jr., was one of the finest men of his age in this world, and this world knew it. He was a Christian minister. He was witness to Christian truth.

I would like to read, Mr. President, portions of a chapter from his book "Strength to Love" which was published by Collins Publishers in 1963. The chapters of the book were originally written as sermons for the parishioners of the Reverend Dr. King's churches, the Dexter Avenue Baptist Church of Montgomery Ala., and later the Ebenezer Baptist Church of Atlanta, Ga.

Chapter 10 is entitled "How Should a Christian View Communism" and it begins with a passage from the Book of Amos 5:24:

Let judgment roll down as waters, and righteousness as a mighty stream.

"Communism," wrote Rev. Dr. King, "exploits the dreadful philosophy that the end justifies the means."

The PRESIDING OFFICER. The Senator from New York is making an important statement and the Chair is

having difficulty hearing and the Senator is having difficulty being heard.

Mr. MOYNIHAN. I thank the Chair most respectfully.

To return to the passage Dr. King wrote—

Communism exploits the dreadful philosophy that the end justifies the means. It enunciates movingly the theory of a classless society, but alas! its methods for achieving this noble end are all too often ignoble. Lying, violence, murder, and torture are considered to be justifiable means to achieve the millennial end. Is this an unfair indictment? Listen to the words of Lenin, the real tactician of Communist theory: We must be ready to employ trickery, deceit, lawbreaking, withholding and concealing truth. Modern history has known many tortuous nights and horror-filled days because his followers have taken this statement seriously.

He goes on later to say that Communism—

Is contrary, not only to the Christian doctrine of God, but also to the Christian estimate of man. Christianity insists that man is an end because he is a child of God, made in God's image. Man is more than a producing animal guided by economic forces; he is a being of spirit, crowned with glory and honour, endowed with the gift of freedom. The ultimate weakness of Communism is that it robs man of that quality which makes him man. Man, says Paul Tillich, is man because he is free. This freedom is expressed through man's capacity to deliberate, decide, and respond. Under Communism, the individual soul is shackled by the chains of conformity; his spirit is bound by the manacles of party allegiance. He is stripped of both conscience and reason. The trouble with Communism is that it has neither a theology nor a Christology; therefore it emerges with a mixedup anthropology. Confused about God, it is also confused about men. In spite of its glowing talk about the welfare of the masses, Communism's methods and philosophy strip man of his dignity and worth, leaving him as little more than a depersonalized cog in the ever-turning wheel of the state.

Still later, the Reverend Dr. King goes on to say:

We should as Christians pray for the Communist constantly, but never can we, as true Christians, tolerate the philosophy of Communism.

Finally, the Reverend Dr. King concludes with the observation that

Our hard challenge and our sublime opportunity is to be a witness to the Spirit of Christ in fashioning a truly Christian world. If we accept this challenge with devotion and valor, the bell of history will toll for Communism, and we shall make the world safe for democracy and secure for the people of Christ.

Mr. President, I ask, is there a person in this Chamber who would think himself able to rise to the precision and the eloquence of that statement?

Could this have been written by one who did not know whereof he wrote, and know it at a level to which only persons of the greatest study and deepest thought and firmest belief could aspire? It is that study and con-

sideration and faith that guided Martin Luther King to his great achievements as an advocate of liberty and justice for all.

It is that same faith which would make him pray today for the persons who had assembled the obscenity that is this brown book on each Senator's desk. He would pray for them, but he would not emulate them. And it seems to me not for us to do so either.

Rather we should recall the words of Martin Luther King, Jr., who wrote in 1964, in another of his works "Why We Can't Wait," about the idea behind his doctrine of nonviolence. "It was not," he wrote—

A doctrine that made (his) followers yearn for revenge but one that called upon them to champion change. It was not a doctrine that asked an eye for an eye but one that summoned men to seek to open the eyes of blind prejudice.

The only way to expunge these excoriations from our midst is overwhelmingly to adopt the legislation before us.

As we do, Mr. President, I would like to say just a closing word on behalf of a person of great importance to me and to many New Yorkers, for many years a steady companion and associate of Dr. King. That is Mr. Bayard Rustin whose name has been also dragged in recent days into this filth.

Bayard Rustin was the organizer of the great march on Washington in 1963, the anniversary of which we celebrated a few weeks ago. The march is perhaps best remembered as the place where Dr. King gave his famous address, "I Have a Dream." Bayard Rustin organized that march. Bayard Rustin has for more than two generations been at the forefront of those persons who have spoken to the American people about the dangers of totalitarianism. In speaking and working on behalf of freedom and justice both here and abroad, he warns us about totalitarianism and about the need for strength in opposition to it. He has been chairman of the Social Democrats U.S.A., a fundamentally antitotalitarian, anti-Communist organization.

He has long been a member of the board of directors of the International Rescue Committee which for 50 years has been giving succor to refugees from totalitarianism, whose numbers have at times been overwhelming in the last generation of Marxist-Leninist totalitarianism.

In his entry in *Who's Who*, he exercises that option, which the publisher evidently gives to persons, to say something about himself. And here is what Bayard Rustin writes of himself:

The Principle factors which influenced my life are: (1) non-violent tactics; (2) constitutional means; (3) democratic procedures; (4) respect for human personality; (5) a belief that all people are one.

That is a man whose name has been drawn into the filth that has been distributed in this Chamber.

In the 1930's, as memory serves—it was certainly before 1948 and India's independence in any event—Bayard Rustin traveled to India where he spent a very long while as an apprentice, you might say, to Mahatma Ghandi. There he learned the principles of nonviolent direct action, and watched the tactics of Ghandi, who then was working for the freedom of his own nation through the extraordinary tactic of peaceable resistance to injustice, and who was succeeding slowly.

He brought those principles back with him. With Martin Luther King, Jr., in the 1950's, he brought them to the American civil rights movement. He taught them as someone who had witnessed them. Bayard Rustin had lived and worked in the midst of the Indian people, had seen their struggle, had seen their needs and he brought what he learned to the United States. And it changed the life of this Nation. Bayard Rustin has never once wandered from that central commitment to nonviolence, to constitutional means, to democratic procedures.

To have his name drawn into the filth that has been brought into this Chamber—well, I apologize to Bayard Rustin for the injustice that has been done him. He will understand. He is not a man of the cloth. I would not ask him to pray or expect him to do for those who contume his reputation. Yet he will understand. He has seen it happen to others no less worthy than he.

I close, Mr. President, by asking if I might have unanimous consent to have printed in the RECORD Dr. Martin Luther King's essay "How Should a Christian View Communism." And, without being presumptuous, if only to indulge myself, I ask unanimous consent that I might have printed in the RECORD the paper I read before the meeting of the Southern Christian Leadership Conference, in the presence of Dr. King, on the 21st of February at the Four Ambassadors Hotel in Miami, Fla.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARTIN LUTHER KING: STRENGTH TO LOVE
CHAPTER TEN—HOW SHOULD A CHRISTIAN VIEW COMMUNISM

Let judgment roll down as waters, and righteousness as a mighty stream.—Amos 5:24

Few issues demand a more thorough and sober discussion than that presented by Communism. For at least three reasons every Christian minister should feel obligated to speak to his people on this controversial theme.

The first reason recognizes that the widespread influence of Communism has, like a mighty tidal wave, spread through Russia, China, Eastern Europe, and now even to our hemisphere. Nearly a thousand million of

the peoples of the world believe in its teachings, many of them embracing it as a new religion to which they have surrendered completely. Such a force cannot be ignored.

A second reason is that Communism is the only serious rival to Christianity. Such great world religions as Judaism, Buddhism, Hinduism, and Mohammedanism are possible alternatives to Christianity, but no one conversant with the hard facts of the modern world will deny that Communism is Christianity's most formidable rival.

A third reason is that it is unfair and certainly unscientific to condemn a system before we know what that system teaches and why it is wrong.

Let me state clearly the basic premise of this sermon: Communism and Christianity are fundamentally incompatible. A true Christian cannot be a true Communist, for the two philosophies are antithetical and all the dialectics of the logicians cannot reconcile them. Why is this true?

I

First, Communism is based on a materialistic and humanistic view of life and history. According to Communist theory, matter, not mind or spirit, speaks the last word in the universe. Such a philosophy is avowedly secularistic and atheistic. Under it, God is merely a figment of the imagination, religion is a product of fear and ignorance, and the church is an invention of the rulers to control the masses. Moreover, Communism, like humanism, thrives on the grand illusion that man, unaided by any divine power, can save himself and usher in a new society—

I fight alone, and win or sink.

I need no one to make me free;

I want no Jesus Christ to think,

That He could ever die for me.

Cold atheism wrapped in the garments of materialism, Communism provides no place for God or Christ.

At the centre of the Christian faith is the affirmation that there is a God in the universe who is the ground and essence of all reality. A Being of infinite love and boundless power, God is the creator, sustainer, and conservator of values. In opposition to Communism's atheistic materialism, Christianity posits a theistic idealism. Reality cannot be explained by matter in motion or the push and pull of economic forces. Christianity affirms that at the heart of reality is a Heart, a loving Father who works through history for the salvation of his children. Man cannot save himself, for man is not the measure of all things and humanity is not God. Bound by the chains of his own sin and finiteness, man needs a Saviour.

Second, Communism is based on ethical relativism and accepts no stable moral absolutes. Right and wrong are relative to the most expedient methods for dealing with class war. Communism exploits the dreadful philosophy that the end justifies the means. It enunciates movingly the theory of a classless society, but alas! its methods for achieving this noble end are all too often ignoble. Lying, violence, murder, and torture are considered to be justifiable means to achieve the millennial end. Is this an unfair indictment? Listen to the words of Lenin, the real tactician of Communist theory: "We must be ready to employ trickery, deceit, lawbreaking, withholding and concealing truth." Modern history has known many tortuous nights and horror-filled days because his followers have taken this statement seriously.

In contrast to the ethical relativism of Communism, Christianity sets forth a

system of absolute moral values and affirms that God has placed within the very structure of this universe certain moral principles that are fixed and immutable. The law of love as an imperative is the norm for all of man's actions. Furthermore, Christianity at its best refuses to live by philosophy of ends justifying means. Destructive means cannot bring constructive ends, because the means represent the ideal-in-the-making and the end-in-progress. Immoral means cannot bring moral ends, for the ends are pre-existent in the means.

Third, Communism attributes ultimate value to the state. Man is made for the state and not the state for man. One may object, saying that in Communist theory the state is an "interim reality," which will "wither away" when the classless society emerges. True—in theory; but it is also true that, while it lasts, the state is the end. Man is a means to that end. Man has no inalienable rights. His only rights are derived from, and conferred by, the state. Under such a system, the fountain of freedom runs dry. Restricted are man's liberties of press and assembly, his freedom to vote, and his freedom to listen and to read. Art, religion, education, music, and science come under the gripping yoke of governmental control. Man must be a dutiful servant to the omnipotent state.

All of this is contrary, not only to the Christian doctrine of God, but also to the Christian estimate of man. Christianity insists that man is an end because he is a child of God, made in God's image. Man is more than a producing animal guided by economic forces; he is a being of spirit, crowned with glory and honour, endowed with the gift of freedom. The ultimate weakness of Communism is that it robs man of that quality which makes him man. Man, says Paul Tillich, is man because he is free. This freedom is expressed through man's capacity to deliberate, decide, and respond. Under Communism, the individual soul is shackled by the chains of conformity; his spirit is bound by the manacles of party allegiance. He is stripped of both conscience and reason. The trouble with Communism is that it has neither a theology nor a Christology; therefore it emerges with a mixed-up anthropology. Confused about God, it is also confused about man. In spite of its glowing talk about the welfare of the masses, Communism's methods and philosophy strip man of his dignity and worth, leaving him as little more than a depersonalized cog in the ever-turning wheel of the state.]

Clearly, then, all of this is out of harmony with the Christian view of things. We must not fool ourselves. These systems of thought are too contradictory to be reconciled; they represent diametrically opposed ways of looking at the world and of transforming it. [We should as Christians pray for the Communist constantly, but never can we, as true Christians, tolerate the philosophy of Communism.]

Yet, something in the spirit and threat of Communism challenges us. The late Archbishop of Canterbury, William Temple, referred to Communism as a Christian heresy. He meant that Communism had laid hold on certain truths which are essential parts of the Christian view of things, although bound to them are theories and practices which no Christian could ever accept.

II

The theory, though surely not the practice, of Communism challenges us to be more concerned about social justice. With

all of its false assumptions and evil methods, Communism arose as a protest against the injustices and indignities inflicted upon the underprivileged. The Communist Manifesto was written by men aflame with a passion for social justice. Karl Marx, born of Jewish parents who both came from rabbinic stock, and trained, as he must have been, in the Hebrew Scriptures, could never forget the words of Amos: "Let judgment roll down as waters, and righteousness as a mighty stream." Marx's parents adopted Christianity when he was a child of six, thus adding to the Old Testament heritage that of the New. In spite of his later atheism and antiecclesiasticism, Marx could not quite forget Jesus' concern for "the least of these." In his writings, he champions the cause of the poor, the exploited, and the disinherited.

Communism in theory emphasizes a classless society. Although the world knows from sad experience that Communism has created new classes and a new lexicon of injustice, in its theoretical formulation it envisages a world society transcending the superficialities of race and colour, class and caste. Membership in the Communist party theoretically is not determined by the colour of a man's skin or the quality of blood in his veins.

Christians are bound to recognize any passionate concern for social justice. Such concern is basic in the Christian doctrine of the Fatherhood of God and the brotherhood of man. The Gospels abound with expressions of concern for the welfare of the poor. Listen to the words of the Magnificat: "He hath put down the mighty from their seats, and exalted them of low degree. He hath filled the hungry with good things; and the rich he hath sent empty away." No doctrinaire Communist ever expressed a passion for the poor and oppressed such as we find in the Manifesto of Jesus which affirms: "The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord."

Christians are also bound to recognize the ideal of a world unity in which all barriers of caste and colour are abolished. Christianity repudiates racism. The broad universalism standing at the centre of the gospel makes both the theory and practice of racial injustice morally unjustifiable. Racial prejudice is a blatant denial of the unity which we have in Christ, for in Christ there is neither Jew nor Gentile, bond nor free, Negro nor white.

In spite of the noble affirmations of Christianity, the church has often lagged in its concern for social justice and too often has been content to mouth pious irrelevances and sanctimonious trivialities. It has often been so absorbed in a future good "over yonder" that it forgets the present evils "down here." Yet the church is challenged to make the gospel of Jesus Christ relevant within the social situation. We must come to see that the Christian gospel is a two-way road. On the one side, it seeks to change the souls of men and thereby unite them with God; on the other, it seeks to change the environmental conditions of men so that the soul will have a chance after it is changed. Any religion that professes to be concerned with the souls of men and yet is not concerned with the economic and social conditions that strangle them and the social conditions that cripple them

is the kind the Marxist describes as "an opiate of the people."

Honesty also impels us to admit that the church has not been true to its social mission on the question of racial justice. In this area it has failed Christ miserably. This failure is due, not only to the fact that the church has been appallingly silent and disastrously indifferent to the realm of race relations, but even more to the fact that it has often been an active participant in shaping and crystallizing the patterns of the race-caste system. Colonialism could not have been perpetuated if the Christian Church had really taken a stand against it. One of the chief defenders of the vicious system of apartheid in South Africa today is the Dutch Reformed Protestant Church. In America slavery could not have existed for almost two hundred and fifty years if the church had not sanctioned it, nor could segregation and discrimination exist today if the Christian Church were not a silent and often vocal partner. We must face the shameful fact that the church is the most segregated major institution in American society, and the most segregated hour of the week is, as Professor Liston Pope has pointed out, eleven o'clock on Sunday morning. How often the church has been an echo rather than a voice, a tail-light behind the Supreme Court and other secular agencies, rather than a headlight guiding men progressively and decisively to higher levels of understanding.

The judgment of God is upon the church. The church has a schism in its own soul that it must close. It will be one of the tragedies of Christian history if future historians record that at the height of the twentieth century the church was one of the greatest bulwarks of white supremacy.

III

In the face of the Communist challenge we must examine honestly the weaknesses of traditional capitalism. In all fairness, we must admit that capitalism has often left a gulf between superfluous wealth and abject poverty, has created conditions permitting necessities to be taken from the many to give luxuries to the few, and has encouraged smallhearted men to become cold and conscienceless so that, like Dives before Lazarus, they are unmoved by suffering, poverty-stricken humanity. Although through social reform American capitalism is doing much to reduce such tendencies, there is much yet to be accomplished. God intends that all of his children shall have the basic necessities for meaningful, healthful life. Surely it is unchristian and unethical for some to wallow in the soft beds of luxury while others sink in the quicksands of poverty.

The profit motive, when it is the sole basis of an economic system, encourages a cut-throat competition and selfish ambition that inspires men to be more concerned about making a living than making a life. It can make men so I-centred that they no longer are Thou-centred. Are we not too prone to judge success by the index of our salaries and the size of the wheel base on our automobiles, and not by the quality of our service and relationship to humanity? Capitalism may lead to a practical materialism that is as pernicious as the theoretical materialism taught by Communism.

We must honestly recognize that truth is not to be found either in traditional capitalism or in Marxism. Each represents a partial truth. Historically, capitalism failed to discern the truth in collective enterprise and Marxism failed to see the truth in indi-

vidual enterprise. Nineteenth-century capitalism failed to appreciate that life is social and Marxism failed, and still fails, to see that life is individual and social. The Kingdom of God is neither the thesis of individual enterprise nor the antithesis of collective enterprise, but a synthesis which reconciles the truth of both.

iv

Finally, we are challenged to dedicate our lives to the cause of Christ even as the Communists dedicate theirs to Communism. We who cannot accept the creed of the Communists recognize their zeal and commitment to a cause which they believe will create a better world. They have a sense of purpose and destiny, and they work passionately and assiduously to win others to Communism. How many Christians are as concerned to win others to Christ? Often we have neither zeal for Christ nor zest for his kingdom. For so many Christians, Christianity is a Sunday activity having no relevancy for Monday and the church is little more than a secular social club having a thin veneer of religiosity. Jesus is an ancient symbol whom we do the honour of calling Christ, and yet his Lordship is neither affirmed nor acknowledged by our substanceless lives. Would that the Christian fire were burning in the hearts of all Christians with the same intensity as the Communist fire is burning in the hearts of Communists. Is Communism alive in the world today because we have not been Christian enough?

We need to pledge ourselves anew to the cause of Christ. We must recapture the spirit of the early church. Wherever the early Christian's went, they made a triumphant witness for Christ. Whether on the village streets or in the city jails, they daringly proclaimed the good news of the gospel. Their reward for this audacious witness was often the excruciating agony of a lion's den or the poignant pain of a chopping block, but they continued in the faith that they had discovered a cause so great and had been transformed by a Saviour so divine that even death was not too great a sacrifice. When they entered a town, the power structure became disturbed. Their new gospel brought the refreshing warmth of spring to men whose lives had been hardened by the long winter of traditionalism. They urged men to revolt against old systems of injustice and old structures of immorality. When the rulers objected, these strange people, intoxicated with the wine of God's grace, continued to proclaim the gospel until even men and women in Caesar's household were convinced, until jailers dropped their keys, and until kings trembled on their thrones. T. R. Glover has written that the early Christians "out-thought, out-lived, and out-died" everyone else.

Where is that kind of fervour today? Where is that kind of daring, revolutionary commitment to Christ today? Is it hidden behind smoke screens and altars? Is it buried in a grave called respectability? Is it inextricably bound with nameless status quos and imprisoned within cells of stagnant mores? This devotion must again be released. Christ must once more be enthroned in our lives.

This is our best defence against Communism. War is not the answer. Communism will never be defeated by the use of atomic bombs or nuclear weapons. Let us not join those who shout war and who through their misguided passions urge the United States to relinquish its participation in the United Nations. These are days when Christians must evince wise restraint and calm reason-

ableness. We must not call everyone a Communist or an appeaser, who recognizes that hate and hysteria are not the final answers to the problems of these turbulent days. We must not engage in a negative anti-Communism, but rather in a positive thrust for democracy, realizing that our greatest defence against Communism is to take offensive action in behalf of justice and righteousness. After our condemnation of the philosophy of Communism has been eloquently expressed, we must with positive action seek to remove those conditions of poverty, insecurity, injustice, and racial discrimination which are the fertile soil in which the seed of Communism grows and develops. Communism thrives only when the doors of opportunity are closed and human aspirations are stifled. Like the early Christians, we must move into a sometimes hostile world armed with the revolutionary gospel of Jesus Christ. With this powerful gospel we shall boldly challenge the status quo and unjust mores and thereby speed the day when "every valley shall be exalted, and every mountain and hill shall be made low; and the crooked shall be made straight, and the rough places plain; and the glory of the Lord shall be revealed."

Our hard challenge and our sublime opportunity is to bear witness to the spirit of Christ in fashioning a truly Christian world. If we accept the challenge with devotion and valour, the bell of history will toll for Communism, and we shall make the world safe for democracy and secure for the people of Christ.

EDUCATION OF THE URBAN POOR

(Speech by Daniel Patrick Moynihan before the Southern Christian Leadership Conference, Four Ambassadors Hotel, Miami, Fla., February 21, 1968)

Some nineteen months have passed since the publication of James S. Coleman's epic study of "Equality of Educational Opportunity." From the first it was clear that this study would have profound import for the education of the urban poor. The relatively brief period of scrutiny that has intervened since its appearance has confirmed this beyond even the expectations of those of us who expected most.

The Office of Education, without a tinge of anxiety, had released the report early in July of 1966 to a nation that had not known it was coming and that was in any event preoccupied with the Fourth of July weekend. It would be difficult to describe the reaction to the report, for in truth there was none. Some of the newspaper accounts were better than we had reason to expect—John Herbers of the New York Times, for example, got close to the heart of the matter—but the overall impression was simply that another government study had confirmed what everyone had known all along.

If you happen to share my considerable respect for the openness of American society to new information, you would nonetheless have expected, even then, that before the year was out the study would become a matter of profound interest to American educators, and beyond them to a whole range of persons concerned with the nature of American society, and the education of the urban poor, most especially that very great portion of the urban poor composed of Negro Americans.

The information produced by the study—perhaps the second largest in the history of social science—was too powerful; and too profoundly at odds with the conventional

wisdom, to remain unnoticed. Moreover the analysis, thanks to the initiative of the U.S. Office of Education, was the work of distinguished American scholars—Coleman and associates such as Ernest Q. Campbell—in collaboration with no less distinguished civil servants such as Alexander M. Mood. Further, it came at just the moment when the technology and the theory of mathematical sociology were able to undertake an enterprise of near Promethean daring.

Let there be no mistake as to the drama of the study. The early assumption that it had merely proved what everyone had known all along was at least partially due to the fact that this was what was expected of it. The study was called for by Section 402 of the Civil Rights Act of 1964. The initial Congressional intent seems to have been that the study should become a tool for legal actions designed to put an end to deliberate discrimination against minority groups. The final intent, however, seemed more in the direction of showing the kind and degree of differences in available educational facilities as between minority group children and majority group children in American life.

No one questioned that these differences existed, nor yet that they were deeply consequential. In an interview in Southern Education Report of November-December 1965, published more than midway through the project, Coleman himself put it:

"... the study will show the difference in the quality of schools that the average Negro child and the average white child are exposed to. You know yourself that the difference is going to be striking. And even though everybody knows there is a lot of difference between suburban and inner-city schools, once the statistics are there in black and white, they will have a lot more impact."

As is increasingly well known, the study found nothing of the sort. At this point lesser men would have gone back to recheck their data. Coleman and his band chose instead to push on into the unknown, whence they returned with the proposition that Robert C. Nichols in *Science* has described as being of "literally revolutionary significance... [standing] like a spear pointed at the heart of the cherished American belief that equality of educational opportunity will increase the equality of educational achievement." What emerged was a study which, in Robert A. Dentler's words (in *The Urban Review*), "makes a contribution to the study of American intergroup relations second only to Myrdal's *American Dilemma*."

What are the findings? This is not as clear as might be hoped. Persons will differ as to what has been proved, or, more importantly, disproved, and there will be considerable variance in the priorities different persons will assign even to those findings they can agree upon, the great quality of the study being that it raises so many more questions than it answers. I shall, then, offer you my list; others will have their own.

I believe the first finding is that the educational achievement of "radical" minority groups in the United States is grievously below that of the white majority, with the immensely significant exception of Chinese-Americans. It is fairly clear that in the course of going to school, the children of these groups fall further behind the majority rather than being helped to catch up. This is most pronounced for Indian Americans, who in the first grade score 53.0 on the nonverbal test, 50 being average, but by the twelfth grade drop to 47.1. But inequal-

ity of educational achievement is greatest with respect to Negro Americans who, for example, in the metropolitan Northeast, wind up in the twelfth grade 3.3 years behind whites in verbal achievement, and 5.2 years behind in mathematics. Twelfth-grade Negroes do sixth-grade arithmetic—not in Mississippi, but in New York.

I believe this must be the starting place for any consideration of Coleman's findings. The American educational system as it now operates is turning out seriously unequal citizens. We learned this within months, as it were, of having enshrined in law the principle of equality of opportunity. One does not have to share my view that the Civil Rights Act of 1964 marked the highwater mark of Social Darwinism in the United States in order to perceive that given unequal educational achievement, equal opportunity thereafter will produce unequal results. I do not see how this can be questioned. Coleman, or rather the Educational Testing Service of Princeton, has established that the problem of racial inequality is imprinted in the very nerves systems of American society. Anyone who supposes it is going to fade gently away like the Vietnam war of the Soviet state is out of his mind.

It is, I should think, more than likely that a study of this kind done, say, in a country of Northern Europe would find similar gaps in the educational achievement of different groups defined in terms of occupation or class, but the essential fact in the United States is the additional category of race. I do not wish to underestimate the bitterness and antagonism that class difference can bring about, but surely the history of the twentieth century must persuade us that they are as nothing compared with the cleavages created by racial and ethnic differences. That is a plain fact and one we must live with in America.

The second finding of the Coleman study, and here I must mildly differ from the view put forth by Robert Dentler, is that there does not appear to be any significant degree of discrimination in the quality of the school facilities provided minority children. This is not the same as saying that the school facilities are equal. They are not. But one has the distinct impression that where there do exist inequalities, they are more to be explained by the nature of the urban and rural environment than by any internal functioning of the school system itself. Thus if Negroes live in the rural slums of the South and the urban slums of the North, then they are likely to attend older, more run-down schools characteristic of slums everywhere. The Negro children of the Roxbury section of Boston (who have almost no elected political leaders) attend old, run-down schools—as also do the white children of South Boston (who are represented in Congress, for example, by the Speaker of the House of Representatives). If anything, in the nation as a whole, schools attended by whites appear to be somewhat older than those for Negroes.

This must be taken as a general impression gained from reading a complex set of tables from which particulars can be had that would support quite different, even opposed, points of view. My impression is that the American education system is performing in the classic manner of all bureaucracies, that is to say, it is imposing conformity in those realms subject to the bureaucratic writ. This writ does not extend, of course, to the huge wrong of racial segregation of neighborhoods, which if anything grows more pronounced, and is producing in effect

two school systems: one occupied by whites, the other by Negroes.

A third finding is that despite our convictions to the contrary, it does not appear that the quality of school facilities, as we now conceive of the subject, has any very powerful differential effect on student achievement. Coleman's analysis revealed the school-to-school variance in pupil achievement in proportions of 10 to 20 percent.

"School to school variations in achievement from whatever source (community differences, variations in the average home background of the student body, or variations in school factors), are much smaller than individual variations within the school, at all grade levels, for all racial and ethnic groups. This means that most of the variation in achievement could not possibly be accounted for by school differences, since most of it lies within the school."

In point of fact, as a number of persons have noted, if one wished to press the matter, it would be possible to argue that the Coleman data suggest there is in truth almost no "school effect" whatever, inasmuch as the school-to-school variances exist in the first grade as well as the twelfth, and therefore must reflect the community rather than the institution as such.

I believe it is necessary here to fight against our own strong contrary perceptions, as well as, perhaps, our ideological convictions. Persons who are very much interested in a given subject—be it race horses, French wines, corn whiskey, or public schools—will frequently develop extraordinary acuteness in perceiving the most subtle—and to them crucial—differences between objects that would appear more alike than otherwise to the untrained observer. Thus Mencken suggests that romance is the illusion that one woman is different from another. They are, and they aren't, and that is about all there is to say.

This, I believe, is what Coleman says: not that schools have no effect—a preposterous notion—but rather that, by and large, given the vast educational system of the United States, they appear to have surprisingly similar effects. This proposition emerges from what is in truth an important methodological innovation (innovation on such a scale, at all events). Coleman measured the output of the schools, rather than their input, and found the differences in output to be considerably smaller than was assumed.

It must be stressed that the data are complex, open to many issues of interpretation, and subject possibly to considerable reinterpretation in the light of different techniques of analysis. But for the moment this is the proposition we have before us, and it is not, after all, such an extraordinary one. Indeed it is in ways a profoundly heartening proposition: the most important ingredients in a school, says Coleman, are not the grown-ups, and certainly not the fixtures, but the young people themselves.

Thus the recent report of the U.S. Civil Rights Commission on *Racial Isolation in the Public Schools*, on further analysis of the Coleman data, finds that "There are noticeable differences in the quality of the schools which Negroes attend and those which whites attend." The Commission then adds: "There is some relationship between such disparities and the achievement of Negro students." (Emphasis added.)

It is essential that we at least acknowledge this proposition, even if we continue to disbelieve it and to test it. There is no need for

final, ultimate knowledge here: all that can be expected of us is that we keep inquiring and be candid about what inquiries to disclose.

One of the more unsettling statements in the study, for example, concerns the effect of the revered pupil/teacher ratio. Coleman found none: not even enough to make up a table. "Some facilities measures," the report states, "such as the pupil/teacher ratio are not included because they showed a consistent lack of relation to achievement among all groups under all conditions." This is no doubt the case. But it is also the case that Coleman was measuring the effects of variations that cluster around the current 23-to-1 average. What if, as Alan K. Campbell and Philip Meranto have suggested, the ratio were reduced to that of the Job Corps Center at Camp Kilmer, which has one professional instructor for every four and one half students?

Similarly, Coleman found that variance in per-pupil instructional expenditures could account for almost none of the differences in pupil achievement when the more significant background variables were controlled. For Negroes in the North this variance reached virtually nonexistent proportions measured in hundredths of one percent (e.g., .02 percent in the ninth grade). But again this concerns variations clustered around an average of about \$500. What if per-pupil expenditure on instruction were something like the \$4,350 that Campbell and Meranto estimate for the Camp Kilmer Job Corps? And what, for that matter, if the pupil/teacher ratio achieved the ultimate nineteenth-century formulation of Mark Hopkins on one end of a log and a student on the other?

A fourth finding—really it should be termed a reminder, for this is something we have always known, but somehow in the United States try to forget—is the all-powerful fact of social class, or if you prefer the term, social stratification. In specific terms, this means the family background of the individual student, and the family backgrounds of his fellow students. Writing in *The Public Interest*, Coleman put it thus:

"Altogether, the sources of inequality of educational opportunity appear to lie first in the home itself and the cultural influences immediately surrounding the home; then they lie in the school's ineffectiveness to free achievement from the impact of the home, and in the school's cultural homogeneity which perpetuates the social influences of the home and its environs."

The issue can be put fairly bluntly as follows: Can a middle-class school be created without a middle-class student body? I believe Coleman's answer would have to be at most a highly tentative "maybe." I believe our assumptions here have been far more optimistic, and what have in this respect been at fault.

Because race is the single most inclusive (although not, of course, complete) determinant of class in the United States, I shall argue that Coleman's data represent the most important demonstration of the absolute necessity of racial integration in education that has ever been assembled. He has shown that the achievement of lower-class students is raised when they are included in a predominantly middle-class school, and that the corresponding achievement of the middle-class students is not thereby lowered. Again, we may resist the finding but we must acknowledge it.*

Quality education in segregated schools is what is not happening. Now it may be that

it can be made to happen. Certainly there are instances where things seem to go right despite the probabilities to the contrary, and we must dig into those exceptions. But the evidence of the moment is against it. The evidence is that if we are going to produce equality of educational opportunity in the United States in this generation, we must do so by sending Negro students, and other minority students as well, to majority white schools. We cannot do this given the present system of school administration. And even given changes in that system, the all-powerful facts of demography—soon now almost one child in five entering public schools in the nation will be Negro, and in central cities the proportion will be far higher—make clear that we cannot do it without great expenditure. But I believe Coleman has taken us pretty much to the point where there can be no fuzzing the decision: either we are willing or we are not.

In this connection, let me also note that because the issue is class not race, there is perhaps more to be done by way of integrating lower-class Negro youth in middle-class Negro schools than we have so far managed. Evidence that the Negro community is splitting as between an increasingly well-to-do middle-class group and an increasingly worse lower-class continues to come in. Recent census studies in Cleveland suggest this phenomenon in striking detail. Middle-class Negroes have much more to contribute here than they may have realized.

A fifth finding concerns the elusive question of motivation. Let there be no doubt that American children have learned to like school, and to expect it to be primary source, even the primary source, of their own social mobility. This is most especially true of Negro children, who report the utmost attachment to all the approved attitudes toward education, and clearly set themselves very high standards of performance. Just as clearly, the greatest number of these children do not achieve these standards. Coleman cannot explain this but his data demand that someone try.

The question comes to something like this: What are the correlates of realism among students from deprived backgrounds? What is it that will translate great expectations into great achievement? What, on the other hand, suggests nothing more than pathetic and doomed fantasy? One thinks of the nine-year-old Puerto Rican girl Catín in Oscar Lewis's brilliant book "La Vida." Catín loves her desperately disorganized family, loves her mother, is determined to help earn money for them. "That's why," she says, "when I grow up, I want to be a doctor or a chambermaid."

I believe it is now well known that in this area Coleman found that a sense of control of one's own destiny was far the best predictor of performance. He writes:

"Despite the very large achievement differences between whites and Negroes at the 9th and 12th grades, those Negroes who gave responses indicating a sense of control of their own fate achieved higher on the tests than those whites who gave the opposite responses. This attitude was more highly related to achievement than any other factor in the student's background or school."

But we do not know how this attitude comes about, and in particular we do not know how much it is simply a mirror of success that has its origins elsewhere. Nonetheless, it is likely that Coleman has isolated a highly significant variable.*

How then is the intelligent and concerned person to respond to all this? One thing

may be said with certainty: it is no use hoping the Coleman study will go away. It does not at all follow that the future course of American education will be shaped by it, but it is near to inevitable that it will profoundly influence both the study of education and the public discussion of educational policy.

The first large instance of this is the report of the United States Commission on Civil Rights, *Racial Isolation in the Public Schools*, in the preparation of which Professor Thomas F. Pettigrew was chief consultant. The report is based in considerable measure on further refinement of the Coleman study data, and on evaluation of educational experiments that bear upon it. Its "Findings" represent the first effort to spell out the policy implications of the Coleman study and these elaborations.

Not surprisingly, the Civil Rights Commission reached conclusions significantly at odds with many present assumptions, and proposed a course of action that runs almost directly contrary to the current drift of events. The Commission found that racial isolation in the public schools is both "intense" and "increasing"; that there are "marked disparities in the outcomes of education for Negro and white Americans"; that programs of compensatory education do not have lasting effects in improving the achievement of Negro children; and that programs on the present scale are not likely to do so as long as the children remain isolated "by race and social class." The Commission concluded that the only solution to a mounting crisis will be for Congress to mandate by law the de facto integration of Negro and white students in the United States, and provide "substantial financial assistance" in the construction of the vast new facilities that would be required to do so. Although not quite spelled out, the Commission fairly clearly sees de facto integration as a condition in which the overwhelming majority of Negro students attend schools in which they are a minority.

Now it should be clear enough that these are not proposals likely to bring on an outpouring of public support. The report on *Racial Isolation in the Public Schools*, like the report on *Equality of Educational Opportunity*, was filled, in effect, with bad news. It is certain to be seen almost as a racial slur by some of the more militant members of the Negro community, and resisted for equal but opposite reasons by many whites. The Commission declares in effect that this is a white country and that to succeed in it one must grow up with whites: exceptions only prove the rule. One Negro member of the Commission, understandably sensitive to this point, appended a Supplementary Statement to the report. In it she indicates her sympathy for those who, seeing segregation as inevitable, wish to concentrate on providing a superior education for the Negro poor, but adds:

"However, there is little that is healthy and much that is potentially self-defeating in the emotionalism and racial bias that seem to motivate a small but vocal minority among those who now argue for 'separate-but-equal' school systems." (Supplementary Statement of Commissioner Freeman)

With respect to the white majority, the Commission report declares that the social directions that have resulted from the sum of individual decisions of the past generation have led the nation to the brink of social disaster, and must be reversed. The Commission in effect proposed a level of deliberate and voluntary social change that

may be possible, but that certainly has rarely if ever before occurred.

The Civil Rights Commission has already aroused a certain amount of dismay, and one can anticipate more. Similarly, the Coleman study itself has sent a tremor of anxiety through the educational establishment. One can sympathize with the harassed school superintendent or commissioner of education just waiting for the moment when some member of the local school board or state legislature comes forth with the news that an Office of Education study has "proved" that teachers' salaries, classroom ratios, library books, laboratory facilities, or whatever, don't make any difference in educational achievement.

With this prospect in mind, some elements of the educational bureaucracy have made tentative efforts to discredit Coleman. For example, one of the nation's most influential Washington columnists recently declared that "The Coleman Report . . . has already done profound though still invisible harm." Typically the charge is not that the facts are wrong, but that they will be misused by persons whose motives are wrong, which by implication raises doubts about the motives of the person who was so ill-advised as to present the facts in the first instance. I can testify that this can be a lethal polemical device. Moreover it points to several problems concerning the profound but troubled impact of the social sciences on public policy in the United States at this time that bear comment.

The first such problem is one with which the history of the natural sciences has made us familiar if not comfortable. It concerns the simple fact that the methodology of educational research is now reaching a degree of complexity such that the results of inquiry are no longer directly accessible to the policy-maker. He does not understand the language. He cannot judge the validity of the results, or perhaps it should be said that he cannot counter a "scientific" argument with his own interpretation of the "scientific" data. If Coleman had concluded that it is fluorescent lights that make all the difference, one must fear that there are few educational policy-makers who could have demanded to see the equations and disproved him on the spot. Thus does science reintroduce the necessity of faith. Data such as those of the Coleman study are immensely difficult to interpret. This past year at Harvard, thanks to the generosity of the Carnegie Corporation and the unfailing cooperation of the Office of Education, we have been conducting a faculty seminar on the Study. Each fortnight a group that grew to some 75 assorted professors and scholars, among them some of the commanding intellects of their particular specialties, has been assembling to see what is to be made of it all, and I can assure you that our progress has been modest. It would be unreasonable to ask persons with almost no advanced training in the fields involved to do better. It is not a matter of experts always being right: surely they are more often wrong when it comes to the large movements of history. But it is very much a matter of command of the language of expertise, which increasingly is limited to the experts themselves.

That being the case, it would then seem clear that there is a need for the development in the field of education policy, and of social policy generally, of that rare and wondrous quality of intellect that is to be seen in men such as George Kistiakowsky and Jerome Wiesner who can serve as con-

duits between the world of the natural sciences and that of public policy, speaking the language of both worlds, and holding the respect and confidence of the leaders of both. It may be hoped that the private philanthropic foundations that have so greatly contributed to the development of the social sciences might now give some thought to this problem of translating and communicating their products. Otherwise we must expect more, not less, of the vulgarization and distortion which often do accompany such findings, and further, for that reason, even greater resistance to the conduct of such studies and the release of their findings.

A second problem concerning the relation of social science to public policy in this and related fields is one for which there are perhaps fewer precedents (although, as in the case of Herman Kahn, these have been most powerful ones). It has to do with the differences between the politics of social scientists and the social science of politics.

I would very much share the judgment of Kenneth Boulding that mankind is entering a profound new era in which man is becoming widely conscious of his own societies and of the larger "sociosphere" of which they are a part. In *The Impact of the Social Sciences* he writes:

"This movement of the social system into self-consciousness is perhaps one of the most significant phenomena in our time, and it represents a very fundamental break with the past, as did the development of personal self-consciousness many millennia earlier."

Increasingly, moreover, this self-consciousness is being shaped by social-science findings that are apt to be significantly at odds with the ideology-based assumptions of the past. This process is begun, just barely so, largely because the social sciences have as yet received relatively little support, and that has been concentrated in relatively narrow specialties. (Note what Boulding has to say on the subjects we have been discussing: "Research in race relations virtually ceased with the Supreme Court decision of 1954." "The sociology of the family has been shockingly neglected in recent years after some very exciting work a generation ago." "I am struck . . . with the relatively meager resource which is devoted to the problem of human learning, in spite of the fact that this is the core of virtually all developmental processes.")

In recent years, however, it has also been true that social scientists have been playing rather an active role in seeking to shape public attitudes on social issues with proposals based not so much on their professional findings as on personal proclivities. Social scientists have been liberals, even radicals, about a wide range of public issues. They have been deeply committed to the need for and possibility of social change. They have been often as not at odds with the forces of personal wealth and political power, as any reader of the advertisements in the Sunday Times "News of the Week in Review" will attest. As a result, many minority groups, of which schoolteachers and Negro Americans are prominent examples of the moment (trade unions would be a good example from the preceding generation), have come to assume that social scientists will always be on their side, and this in turn has led to the assumption that social science will be as well. This is not necessarily so, the more so if being on the "side" of a given group involves attesting to the efficacy of whatever social program that group is favoring at the

moment. Social scientists worthy of the name will call 'em as they see 'em, and this can produce no end of outrage at the plate, or in the stands.

There is no cure for this, but neither is there any reason to expect that the embattled partisans of this cause are in the future going to be any more understanding of the problem than they have been in the recent past. Whoever is not with them will be judged against them, and whoever produces "facts" that are against them will be doubly damned. What we can hope for, however, is a larger sensitivity to this matter from the information media and within the social sciences themselves. This form of rejection will never become a pleasant experience for anyone, but to understand, even to anticipate, it is, one hopes, to be better able to ride out the storm.

Howsoever anticipated, the prospect that a considerable body of opinion might come to feel duped or betrayed by those in intellectual or political "authority" would be a matter of some concern at any moment in history, but it would seem to be especially so at this moment. It is not necessary to look for trouble in order to find it in American life. The fact of the matter is that this decade, which began with such great expectations, is taking on an ominous and threatening quality. "The center will not hold." We murdered our President. Then murdered the man we say murdered him. And from that moment on the confidence in the institutions of American life has been slipping away. I do not wish to sound apocalyptic. As with most of us, I share the senior Holme's skepticism about instant doom. But one would be blind not to see that the extremes of distrust and alienation are acquiring a position in American life that is unusual and very possibly dangerous.

In the early 1960s we saw the emergence of the radical right, and saw it profoundly influence one of our two great national parties. In the past two elections we have seen the forces of unregenerate racism assert themselves here and there throughout the nation, and in portions of the Old South we have seen the politics of moderation very near to annihilated. Now, as in no time since the 1930s, we see the arguments of the radical left gaining increasing strength and credibility among the youth of the nation. The antics of these young persons in turn produces a reaction in other segments of the society, and we see in a state such as California events not very different from those of Alabama; in the clash of extremes, the center is destroyed.

And now, as if fate were taking an active role, we find that, one by one, organizations of the widest variety—the United States Senate, the Department of Justice, General Motors, and, thanks to the Central Intelligence Agency, many of the most respected and valued institutions of American life—find themselves in situations of profound embarrassment. This country begins to look corrupt: not more so than other countries, but we have not thought of ourselves in terms of other countries. Let me not conjure visions merely of increased numbers of young men in sandals or old ladies in tennis shoes. Let me cite to you a statement made on Lincoln's birthday by Mr. Gregory B. Craig, Chairman of the Harvard Undergraduate Council, to Ambassador Arthur J. Goldberg on the occasion of his recent visit to Cambridge, as an honorary associate of the Institute of Politics:

"Mr. Ambassador, we've tried everything; we've written letters signed by student lead-

ers, we have signed petitions, we have written to our Congressmen and to our Senators, and we are frustrated. . . . Our friends to the left have made their complete alienation from United States policy absolutely clear. What you should be concerned about is the more moderate group of students who on this campus and in universities and colleges throughout the country are becoming increasingly disaffected. Six years ago, the American government captured the imagination of a whole new generation of young people. Today, these same people, some of our country's most talented and thoughtful citizens, regard the notion of national purpose with cynicism, and in some cases, outright hostility. The sad thing is that our own leaders have destroyed our idealism. To me this is one of the great sorrows of the war in Vietnam. . . . Until our government returns to a certain elemental faith in its people, our disaffection will increase and some of America's most loyal and idealistic youth will be left with little loyalty and even less idealism."

The plain fact is that the United States had best look to its standards of conduct, or face the prospect of being discharged from the decade of the 1960s under conditions less than honorable.

And here is the point with respect to the dilemmas we now face concerning the education of the urban poor. At the outset of this decade we began to make promises such as have never been made, and to raise expectations to a level that might never have been envisioned. Part—just part—of the reason we did this was that we genuinely believed it to be in our power to do fairly directly what it is we said needed to be done. "This nation can afford whatever is required to . . ." Now, however, we begin to see that it will not be that easy. We cannot buy our way out of that commitment. But—and this is the point—neither can we go back on the commitment. In any circumstances it would be an outrage to do so. In our present circumstances it would be, as the French say, worse than a crime: a blunder. Given the mounting extremism of American politics, to fail to deliver on the promises made to the Negro Americans in the first half of this decade will be to trifle with the stability of the American republic. There is no other way to state it save bluntly thus.

But what to do if it turns out that those measures in which we have had so much confidence may have let us down? It seems to me that once this question is asked it answers itself readily enough. If old techniques don't work, devise new ones. Of all institutions, American education ought to be open to experimentation and innovation and to the evaluation of results. It would seem this has not been necessarily so. We may, as Robert Nichols writes, "find it hard to believe that the \$28-billion-a-year public education industry has not produced abundant evidence to show the differential effects of different kinds of schools, but it has not." One can sympathize with the executive committee of the American Association of School Administrators in its recent statement that "No public institution in the world is assessed more frequently and critically than American education," while at the same time agreeing with the statement of a group of my colleagues, headed by DeanSizer, that there is a difference between frequent assessment and meaningful assessment, that "the improvement of the quality of education has always been hampered by our remarkable ignorance of what

happens to young people as a result of the time and money expended on them in schools."

The only useful response, it would seem to me, is to begin with the premise that the American people look to their school system not only to educate children to the always more demanding skills of modern society, but also to keep America an open society. Education in the United States has had this deep social, and if you will political, purpose for well over a century now, and there is no sign of any diminishment in that intent. It is not enough for us that the school system should simply replicate and legitimize the existing social order from one generation to the next. That being the case, it is up to educators to find out how to achieve change. Here as elsewhere, as nineteenth-century Americans used to say, the great problem is not ignorance so much as knowing all those things that ain't so. Coleman suggests to us in the most powerful terms that a lot of things we have taken for granted just are not so.

Thus one could argue from the Coleman data that the provisions of Title I of the great Elementary and Secondary Education Act of 1965 are misconceived, and improving the education facilities provided to poor children will not of itself do the job. (I don't personally share this view; I merely assert the possibility of such an argument.) Very well, the question then should be, What will carry out the intent of Congress, which was to improve the educational achievement of poor children? That intent does not change, simply because we find one method may not work as well as another.

I believe that these and other questions being raised in other fields are all heading us in the same direction: toward concern with the fundamental issues of social class and family welfare, and in particular to a realization that education is the product of the total environment of the child, of which the school as such is only one, and probably not the most powerful, of multiple factors.

This can do us nothing but good. After perhaps too long a period of being infatuated with education, it appears we may at last be getting serious about it. The summons to do just that was put powerfully and well by Theodore R.Sizer in his 1967 annual report of the Harvard Graduate School of Education:

"There are hopeful signs in the country that American education may be moving into a period of realism and candor. If this eventuates, it will be historically unique. Schooling since the nation's founding has been shrouded with optimism, even utopianism. Jefferson never questioned the merit of the institutions he proposed or, as in the case of the University at Charlottesville, created. Jacksonian reformers had equally little question of the power of formal schooling. More recent theorists have compounded the issues; the schools were to carry the load not only of instructing children in the rudiments and in the rules of moral behavior but also to civilize them in the broadest sense. Schools were to be society's microcosms; and within them children could learn to grow. The rhetoric of American Education Week annually repeats this hopeful assurance of the power of the school. Education's claims are vast and in their repetition a peculiarly American cliché. They are also education's worst enemy."

Mr. MOYNIHAN. I would remind this Chamber, too quickly emptied after our most recent vote, or perhaps

emptied out of unease with what has happened in this Chamber, of the last words Martin Luther King, Jr., ever spoke to me.

He said, "Congress is sick." We have an opportunity today and tomorrow to demonstrate that we, and the Nation, have regained our health by an overwhelming endorsement of the legislation before us.

Mr. President, I thank you for your personal courtesy in seeing that I have had the attention of the Chamber and I thank my friend from Massachusetts for yielding me the time.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, I have an amendment to offer.

Mr. MATHIAS. Mr. President, I believe the Senator from New Hampshire has an amendment which he wants to go forward on, but the manager on the Democratic side would like to make a brief statement before we get to the first amendment.

Mr. KENNEDY. Mr. President, I am grateful to the Senator from New Hampshire. At the outset of the debate we were discussing the commitment motion and I would like to now make a brief opening statement. I thank the Senator from New Hampshire.

I commend the Senator from New York for putting this debate back at a level where it should be placed and to focus the real attention on the issue at hand. Today and tomorrow we should direct the attention of the Senate to the central issue before us, the Martin Luther King holiday legislation.

Mr. President, I think it is appropriate, as my good friends and colleagues, the Senator from New York and the Senator from Maryland have done, to focus on the enormous contributions for which this Nation is indebted to Dr. King. To those who would use unfounded innuendo and exaggerated cost estimates to dilute, delay, or derail this shamefully overdue recognition of the life and message of Dr. King, I suggest that you take a few moments to examine the America which gave birth to this great leader. It is an America which I am sure we would all like to forget.

Let us look at Montgomery, Ala., in the year 1955, a community whose laws and customs were duplicated in cities large and small, throughout our Nation. This is the community to which Dr. Martin Luther King, Jr., returned after he earned his Ph. D. in Divinity from Boston College. In Montgomery, Dr. King found a great deal that contradicted the religious philosophy he studied in Boston.

In Montgomery in 1955, Dr. King's middle-class parishioners were insulted daily because of their race. They

were forced to ride in the back of the bus, and relinquish their seat to any white person. Their children attended segregated schools, with inadequate books and supplies. They were not allowed to vote in the county, city, State, or Federal elections. City parks had signs—white only. The oppression and degradation were too great to continue unchallenged.

The Montgomery bus boycott began almost spontaneously, triggered by one too many insults. Rosa Parks, a hard-working seamstress was being harassed by the driver on her bus route because of her citizenship work with the NAACP. She was highly respected in Montgomery's black community. The bus driver's mistreatment of Mrs. Parks precipitated the refusal of Montgomery's black citizens to be disrespected and harassed on the city's buses any longer. They stopped riding the buses. They formed the Montgomery Improvement Association to coordinate the boycott.

Dr. King was recruited to head the association, and the civil rights movement was begun.

Dr. King and his movement rose up against a blight on America's democracy—segregation. Segregation was wrong. Any law or custom which keeps people separated because of their color or religion is wrong. In Hitler's Germany, Jews wore a badge identifying them as Jews, set aside for different treatment. In America, skin color has for centuries been a badge of inferiority, a badge of servitude, a badge of slavery, a badge of segregation.

I would remind my colleagues that in America in 1955, segregation was not merely tolerated by the law, it was mandated by law in much of our land, and mandated by custom almost everywhere else.

Racially identifiable neighborhoods and schools are constant reminders of generations of legal segregation.

Dr. King helped this country to acknowledge the evil of bigotry and begin to recognize the rights of people of color, women, the handicapped, and people of every religion.

Dr. King's message was that it is not too much to demand to be treated like a full citizen in the country of one's birth, in the country of one's ancestors.

To demand that America recognize that everyone is endowed with inalienable rights—regardless of race, color, creed, religion, sex, or handicap; to demand that the guarantees of our Constitution be extended equally to every citizen of this great land.

Dr. King worked tirelessly to remove the stain of discrimination from our Nation, and to make America a country which all Americans can be proud of.

We heeded his message, and America in 1983 is a far better nation because

of it. In designating a national holiday in Dr. King's honor, we give citizens of every region and every color an opportunity to pause in their own lives and their own way in tribute to a person who brought us a fuller measure of justice than our Nation had ever known before. With the passage of this bill, we bring our country one giant step closer to the fulfillment of Dr. King's dream of liberty and justice for all.

I thank the Senator from New Hampshire for permitting me to present these comments.

AMENDMENT NO. 2328

(Purpose: To make National Equality Day a legal public holiday to be observed on February 12 of each year.)

Mr. RUDMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. RUDMAN) proposes an amendment numbered 2328.

On page 1, strike out lines 6 and 7, and insert in lieu thereof:

"National Equality Day, February 12."

On page 2, add after line 4 the following new section:

Sec. 3. The provisions of section 6103 (b) of title 5, United States Code shall not apply to National Equality Day established pursuant to the first section of this Act.

The PRESIDING OFFICER. The Senator from Maryland controls the time in opposition.

Mr. RUDMAN. Mr. President, let me preface my remarks on this amendment by simply stating that I believe it is regrettable but true, as referred to by my friend and colleague the distinguished Senator from New York, that there is an atmosphere of tension that does exist on this floor due to a number of circumstances that we are all aware of.

Because of that tension, it may not be possible to comprehend that there are some, this Senator included, who will offer amendments in good faith on this matter, who do so with certainly no thought of in any way detracting from the work of Dr. Martin Luther King. We have great respect for what he did.

I hope that some amendments may be considered to be offered in the spirit in which this amendment is offered.

Mr. President, when we speak of civil rights, we refer to those freedoms and rights which individuals may have as members of a community, State, or nation. We speak of the freedoms of speech, of the press, and of religion; and of the rights of own property, to vote, and to receive fair and equal treatment under the laws. Of course, our aspirations for all of these freedoms and rights can be reduced to a single aspiration: that of equality of

opportunity among mankind. The history of the struggle for that equality can be traced back thousands of years, originally borne of the theory of natural law found in the writings of ancient Greek philosophers and the books of the Old Testament. The history can be traced through the adoption of the Magna Carta and the writings of John Locke, writings which formed the basis for the English bill of rights in 1689, the French declaration of the rights of man in 1789, and our own Bill of Rights in 1791.

The United States is presently foremost among nations in embracing the equality of opportunity which is the bedrock of our democracy. Yet, we have not always practiced as we now preach. The United States has many minorities who have been denied equality for significant parts of our history. The groups include blacks; Jews; those with Asian, Spanish, and American Indian heritage; and, although not a numerical minority, often treated as such, women. To study each group's struggle for equality is to be convinced of the ever-evolving and never-ending nature of the struggle. It was Lincoln who heralded the modern civil rights movement in his historical debates with Douglas in his unsuccessful 1858 bid for the U.S. Senate. In those debates Lincoln, unlike Douglas, continually addressed the moral issue of slavery, denouncing it as a "moral, social, and political evil," and that at a time when it was not necessarily acceptable theory in either the North or the South. Douglas won the election, but Lincoln gained national fame, and the move to equality was launched.

The 12-year period following the Civil War saw the abolishment of slavery through the 13th amendment and the grant of citizenship to blacks under the 14th amendment. In 1870 the 15th amendment prohibited States from denying the right to vote because of race. And, although the 60-year period from 1880 through 1940 saw a general eroding of the rights of blacks, the era since 1954 has spawned numerous leaders within the Congress, the courts, and the private sector who have ably carried forth the banner of equality for blacks.

American Indian rights have also evolved over time. Often, conveniently, we forget that in establishing our Nation the rights of some 150 tribes of American Indians were ignored. It is only since the early 1900's that American Indians have begun to be treated with the equality that is their due. Like blacks, American Indians have relied on the sacrifices and leadership of many over the years to attain that which they have today.

So, too, with women. Many of us here may find it hard to contemplate, but women were long denied the right to vote, the right to equal education,

the right to own property. The right to vote was an issue for over 40 years until the 19th amendment was adopted in 1920. Job discrimination against women has been an issue from the mid-1900's; it continues to be a major issue today. Early advocates of equality for women were jailed for such actions as voting illegally, or for chaining themselves to the White House fence in the spirit of social activism which is so popular today. Many went on hunger strikes while in prison in order to emphasize their sincerity and the magnitude of the problem. As with all groups which have been denied equality of opportunity within our community of man, the movement continues to evolve.

Mr. President, you will note that in speaking thus, I have not listed any of the many who have been leaders within movements for equality of opportunity for our many minorities. To do so would be to slight those omitted. More to the point, what we as a nation should learn from this debate is not the name of any particular leader; rather, it is the ideal we should celebrate. We have recognized this truth in the holidays known as Veterans Day, Labor Day, Independence Day, and Memorial Day. We should recognize it again in this instance. To commemorate one person is to embrace the arrogance of assuming the goal has been attained. Once we are complacent enough to assume that, we will be in danger of losing the dynamic nature of our democracy, which itself insures the possibility of realizing the idealized equality we aspire to. Instead, we must focus on the past to gain knowledge, the present to measure progress, and the future to set goals now unattainable.

The amendment I propose is to that end, calling for a holiday to be known as National Equality Day. I propose that it be on the date of Lincoln's birth only because I feel it was he who first stirred our Nation's social conscience in a manner not theretofore known.

I propose the day as one of celebration of our ideals, of remembrance of all our leaders, both public and private, who have fought for the equality represented by those ideals, and for a rededication of our efforts in the future to insure that such equality is our legacy for generations yet to come in our great country.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I yield myself such time as may be required.

The Senator from New Hampshire has offered a thoughtful suggestion, as he usually does. It is one that deserves careful consideration by the

Senate. The Senator from New Hampshire speaks from a position of strength in regard to support of civil rights in this country. That adds importance to the suggestion that he has made, because no one can question his credentials as an ardent and important advocate of equality for all Americans, and of the civil rights of all Americans. So I do take his amendment with great seriousness. I am, however, forced to oppose it, because I think it would deprive the Martin Luther King holiday bill of an important symbolic element that is necessary if we want to achieve what the bill attempts to do.

It is true that we memorialize the veterans without naming any one veteran and we memorialize the laboring men and women of America without naming any one of them. But we do also have certain other holidays in which individuals are named, and not one of those individuals is a black American.

Not a single black American has yet been chosen to be memorialized. I regret to say, Mr. President, that in this Capitol Building, in that long corridor which stretches from that door to the other House, there is not one single memorial to a black American. Congress has, I am glad to say, authorized a bust of Dr. Martin Luther King, which the Architect of the Capitol is in the process of commissioning. But up until this moment, not a single black American has been honored in this way by the Congress and by the country.

So an element of the very equality which I know the Senator from New Hampshire seeks to embody in this bill, which he does not seek to deny by his amendment, and which we all are working for, would be symbolically denied, if we divorced the name of Martin Luther King, Jr., from a holiday that we have proposed as a day to remember a great act of reconciliation. That act of reconciliation took place because of the leadership of Martin Luther King.

Therefore, Mr. President, I am moved to oppose this amendment. I do it with great respect to the author of the amendment, because I know his motivations are very high. I just feel that we would deprive the country of that symbolic recognition which the name of a black American would bring. So I hope the Senate will defeat the amendment.

Mr. RUDMAN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. RUDMAN. Mr. President, I yield back the remainder of my time.

Mr. HELMS. Will the Senator yield some time to me?

Mr. RUDMAN. I am pleased to yield whatever time remains to me.

Mr. MATHIAS. Mr. President, does the Senator from North Carolina seek recognition?

Mr. HELMS. I shall certainly defer to my friend from Maryland.

Mr. MATHIAS. No, Mr. President, if the Senator wants to proceed on the Rudman amendment—

Mr. HELMS. I want to speak on the issue.

Mr. RUDMAN. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 21 minutes remaining.

Mr. RUDMAN. How much time would the Senator from North Carolina need?

Mr. HELMS. Ten minutes at the outside.

Mr. RUDMAN. I am pleased to yield that much time to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Senator from New Hampshire. I thank the Chair.

At some point, Mr. President, I think it is essential that the record be set straight and I shall endeavor to do that. I regret as much as anyone the flurry this morning on this floor, but I think there comes a time when the Senate's rules are important as to content and courtesy, which is why I asked for regular order.

Mr. President, I can understand the distinguished Senator from Massachusetts and his strong feelings about this measure, and I respect him for it. But I hope that we can proceed on the basis of what facts are instead of what we wish they were.

In that connection, I would go back to remarks in this Chamber on October 3 when the able Senator from Massachusetts said:

Mr. President, there have been comments made on the floor of the U.S. Senate about whether this legislation has had adequate hearings, and there has even been some observation that I in the U.S. Senate have been somewhat remiss in not holding hearings on this legislation.

Well, let the record show that I had never said or insinuated or implied, nor should anyone infer, that the Senator from Massachusetts has been remiss in not holding hearings on this legislation. In the first place, he is not chairman of the Judiciary Committee in this Congress, so the words suggesting that he had been remiss are uniquely his own and not mine. I do not know who, if anybody else, in the Senate may have said such, but I certainly did not. What I said was that there had been no hearings in the Senate during the 98th Congress on the bill now before us. As for the hear-

ings conducted in the House, those hearings were not on this bill. The Senator from Massachusetts did not rebut the point that I made.

In fact, he continued, and I quote him:

As a member of the Judiciary Committee and as the former chairman of the Judiciary Committee when this legislation was introduced, I might say we had in 1979, 2 days of hearings. The Senate Judiciary Committee reported this bill to the U.S. Senate by a vote of 10 to 6, and to suggest on the floor of the U.S. Senate that the Senate Judiciary Committee has not had the hearings or that the House of Representatives has not had the hearings, shows gross ignorance about the legislative history of this particular proposal, and I think it was demonstrated by the Senator from North Carolina in not only his understanding of the legislative history but also with regard to his comments about the costs of various holidays.

Mr. President, I do not believe my friend from Massachusetts would have suggested that my comments showed what he called a gross ignorance of the legislative history if he had listened to what I said. My point was and is that inadequate consideration has been given this measure now pending before the Senate. The Senator from Massachusetts obviously believes, and has every right to believe it, 2 days of joint hearings in 1979 before the Senate Judiciary Committee and the House Post Office and Civil Service Committee are somehow adequate to allow consideration of this measure at this time without further consideration.

As has been pointed out to me, 25 Members of the Senate today were not Members of the Senate in 1979, 25 percent of the total membership of this body. And those 25 included 4 members of the Senate Judiciary Committee who have never had the benefit of hearings on the measure now before the Senate.

The bill under consideration in 1979, 4 years ago, was S. 25, and as the Senator from Massachusetts has indicated the vote was 10 to 6. Senators voting against the bill then included Senators THURMOND, HATCH, LAXALT, COCHRAN, SIMPSON, and DECONCINI. Senators THURMOND, LAXALT, HATCH, and SIMPSON joined in an eloquent statement of minority views as to the creation of this new national holiday.

Mr. President, I ask unanimous consent that the minority report be printed in the RECORD.

There being no objection, the minority report was ordered to be printed in the RECORD, as follows:

MINORITY VIEWS OF SENATORS THURMOND, LAXALT, HATCH, AND SIMPSON

The efforts to honor Dr. Martin Luther King, Jr. through congressional approval of another legal, Federal holiday did not begin with the introduction of S. 25 on January 15, 1979. As the majority report states: "Since the death of Dr. King in 1968, legislation has been introduced in each Congress

to commemorate the anniversary of his birth."

There must be good reason why this proposal has not been acted on in previous Congresses, even though the majority argues: "Since 1968 there has been strong public sentiment in support of creating the holiday recommended by the committee." If this support has been so strong, one must ask: Why has the Congress refused to act on this legislation during the past decade? Without equivocation, there are no less than five major reasons that explain why the Congress has been reluctant to act on legislation to make Dr. Martin Luther King, Jr.'s birthday a Federal holiday.

I. COST OF ANOTHER FEDERAL HOLIDAY

Of all the reasons that a Dr. Martin Luther King, Jr., holiday should be opposed, the high cost associated with such legislation is the most objective and persuasive one. The creation of a Federal, legal holiday will cost according to the Office of Personnel Management approximately \$195 million. That figure is calculated by adding the normal daily payroll of approximately \$173 million which would be spent whether the employees work or not, to the average premium pay estimated to be \$22 million.

Proponents of this legislation argue that a new, Federal holiday will only cost an additional \$22 million since the daily payroll figure of \$173 million will be charged to the Federal Government regardless of whether the employees show up for work or not. The logic of that argument seems defensible if one looks at it through the eyes of a budget analyst. The majority has used as its authority the Congressional Budget Office for the argument that the "only clearly definable budget impact" of the legislation is the amount of premium pay, for example, overtime, and other benefit expenses. True, that would be an additional budgetary consideration, but that begs the question.

The fundamental question to be decided is the consideration of a Federal holiday, aside from who or what is to be honored, is should Federal employees be given another day off. That is the question, plain and simple. Nor is it novel to the committee's consideration of S. 25.

During debate on the House floor in 1920 on a proposal to honor Abraham Lincoln with a Federal holiday, the following exchange took place:

The SPEAKER pro tempore. The gentleman from Illinois (Mr. WILLIAMS) is recognized for 5 minutes.

Mr. WILLIAMS. Mr. Speaker, intending as I do to vote against this measure, I feel I should say a word in explanation of my vote. Coming as I do from the great State of Illinois, I yield to no one in love and veneration of the great name and fame of Abraham Lincoln. I was taught from childhood to worship Lincoln.

But it seems to me that this measure will add nothing to his honor or to his great fame and place in history. It simply creates another legal holiday in the District of Columbia on which the employees of the Government will receive full pay without performing service to the Government.

Mr. HUSTED. Mr. Speaker, will the gentleman yield for just one question?

Mr. WILLIAMS. Yes.

Mr. HUSTED. Does not the gentleman think we had better abolish some holidays already existing rather than prevent the enactment of this?

Mr. WILLIAMS. I do not know that I would object to that, and certainly not if other holidays are to be created. We now have six

legal holidays in the District of Columbia, days on which no one works except Members of the two Houses of Congress. Employees of the Government have received full pay and render no service of any kind on these days. In addition to the six legal holidays, employees of the Government have 30 days leave of absence each year with full pay, and are allowed 30 days sick leave with pay.

This measure adds one more holiday. I am not in favor of doing that, even if the name of the great Lincoln is used in support of the measure.

Making Lincoln's birthday a legal holiday in the District of Columbia and closing all the departments of the Government on that day will not add additional honor or fame to that immortal character. His name and fame fills the whole Earth. We cannot add to that fame by closing the departments of the Government on his birthday and giving the employees a holiday at an expense of six or seven hundred thousand dollars each year to the taxpayers of the Country. (CONGRESSIONAL RECORD, March 17, 1920 at 4478).

The matter of extending to Federal employees another paid day of vacation cannot be ignored in regard to S. 25. This is a "smoke-screen" as the Majority would have us believe. It is a straightforward, factual issue that must be kept in the forefront of the debate on this legislation. It was a debatable issue in 1920 and it is as valid an issue today.

The economy in 1979 is not what most observers would call healthy. Taxpayers are being pinched by runaway inflation. One of the chief causes of inflation is increased Government spending. Most American taxpayers do not mind having their taxes spent if they know that something productive will result. But how can anything productive be done by the Federal Government when the majority of its employees stay home. S. 25 would authorize 1 additional day of leave, with full pay and benefits, and an accompanying loss of productivity.

In addition to the nine legal holidays Federal employees now enjoy, they also accrue annual leave of up to 26 days a year and annual sick leave with pay at the optimum rate of 13 days a year which, if not used by an employee accumulates for use in future years. Thus, not counting sick leave, a Federal employee is now eligible for 35 days of paid leave a year. This does not count "snow" days or other paid leave days authorized by Executive order or administrative order. Needless to say, Federal employees are not denied a fair amount of leave time.

II. HISTORY OF TWO EXISTING HOLIDAYS

The existing Federal law provides for the observance of nine days during the year as legal, public holidays. Among those are two which honor the birthdays of persons unquestionably linked to the discovery and founding of America—Christopher Columbus and George Washington. These two men are alone in the long history of our Nation as being honored with the designation of a Federal, legal holiday. Except for Christmas Day, which many religions accept as the date of the birth of Christ, the other days are observed in recognition of events in America's history of such magnitude that they transcend regionalism and special groups or cultures. These days have received universal recognition by all Americans and have been celebrated over the years as national holidays even though they were created only to give Federal workers time off from their jobs.

An example of the treatment of past efforts to designate a new, Federal holiday was the debate in the House on March 17, 1920, to make Abraham Lincoln's birthday a Federal holiday. A bill was brought up to make February 12 a legal holiday in the District of Columbia. During the debate on that measure, Representative Cannon of Illinois made the following statement:

Lincoln has crossed over. We can add nothing to his fame. Thomas Jefferson was a great man and a great President and author of the Declaration of Independence. There is no legal holiday for him. There is none for Hamilton, and for other great men of the Revolution by which our liberties were acquired, save alone for Washington. (CONGRESSIONAL RECORD, March 17, 1920, at 4468).

Indeed, there is none for Abraham Lincoln today. Although the House passed the pending measure, the Senate did not act on it. Subsequent efforts to honor great American heroes and patriots have been made, but without success.

III. PLACE IN HISTORY NOT PRESERVED

One of the greatest tributes that can be paid an individual after his or her death is a recognition earned through widespread and unanimous acclamation by all of the people of a Nation or the world. Few living persons achieve such status. There are many who receive the plaudits of their peers while they are alive, and also shortly after their death. But it is a true honor to be appropriately recognized long after history has had the opportunity to test the contributions of an individual to his world.

In the view of some, Dr. Martin Luther King, Jr., has not preserved beyond reproach his place in history. Although a dynamic and charismatic personage of our time, Dr. King's place in history has not been permanently established. His career, which the history books have yet to treat in any comprehensive manner, was under any circumstance a controversial one. That is not to derogate or belittle the outstanding contribution that he made to the cause of civil rights for black Americans. His record is well documented in that area. But Dr. King's record also reveals other activities which extend beyond his work in the civil rights area making his career controversial to many Americans.

Dr. King was involved in antiwar activities during the Vietnam War. He endorsed Lyndon B. Johnson and spoke out actively against candidate Barry Goldwater. He advocated Communist China's membership in the United Nations. He was a sponsor of the National Committee for a Sane Nuclear Policy. These are just a few of Dr. King's activities while he was in a leadership role in the civil rights movement of the 1960's.

Let it be stated at the outset, there is absolutely nothing wrong with any person taking a position or expressing oneself on the events of the day. The first amendment is our precious protector of that right, and as Ambassador Young noted at the March 29th hearing, which is also astutely quoted in the majority report:

"Dr. King exercised very freely, perhaps more freely than any other American, the privileges and responsibilities of the first amendment and never has our court system been put to such dramatic and productive use as it was during the sixties."

It was this quality of Dr. King that has aroused the emotions of the American people. He has ardent followers and vicious attackers. Few persons on the recent Ameri-

can scene have brought out such strong feelings. Only the passage of time can temper those emotions and possibly reserve in history Dr. King's place as an American figure worthy of a Federal, legal holiday.

IV. STATE OPTION APPROACH

Most people are unaware that technically there are no national holidays in the United States. Each State has jurisdiction over its holidays which are determined by either legislative enactment or Executive proclamation. The President and the Congress can only legally designate holidays for the District of Columbia and for Federal employees. As a practical matter, however, most States observe the Federal, legal holidays enumerated in 5 U.S.C. 6103(a).

Since public holidays are the primary responsibility of the States, there are a great number of legal and public holidays that are observed throughout America. Below is a listing according to World Almanac (1979), of the holidays celebrated and observed in the United States:

LEGAL OR PUBLIC HOLIDAYS, 1979

Technically there are no national holidays in the United States, each state has jurisdiction over its holidays, which are designated by legislative enactment or executive proclamation. In practice, however, most states observe the federal legal public holidays even though the President and Congress can legally designate holidays only for the District of Columbia and for federal employees.

Federal legal public holidays are New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas.

Chief legal or public holidays

When a holiday falls on a Sunday or a Saturday it is usually observed on the following Monday or preceding Friday. For some holidays, government and business closing practices vary. In most states the office of the Secretary of State can provide details of holiday closings.

Jan. 1 (Monday)—New Year's Day. All the states.

Feb. 12 (Monday)—Lincoln's Birthday. Ariz., Cal., Col., Conn., Ill., Ind., La., Kan., Md., Mich., Mo., Mont., Neb., N.H., N.J., N.Y., Pa., Tenn., Ut., Vt., Wash., W. Va., In., Del., and Ore., celebrated Feb. 5 in 1979.

Feb. 19 (3rd Monday in Feb.)—Washington's Birthday. All states except N.C. In several states, the holiday is called President's Day or Washington-Lincoln Day.

Apr. 13—Good Friday. Observed in all the states. A legal or public holiday in Conn., Del., Fla., Ha., Ind., Ky., La., Md., Mich., N.J., N.D., Tenn., W. Va. Partial holiday in N.M. and Wis.

May 28 (last Monday in May)—Memorial Day. All the states except Ala., Miss., S.C. (Confederate Memorial Day in Va.). Observed May 30 in Del., Ill., Md., N.H., N.M., N.Y., Vt., W. Va.

July 4 (Wednesday)—Independence Day. All the States. (July 3 in Nev.).

Sept. 3 (1st Monday in Sept.)—Labor Day. All the states.

Oct. 8 (2nd Monday in Oct.)—Columbus Day. Ala., Ariz., Cal., Col., Conn., Del., Fla., Ga., Ida., Ill., Ind., Kan., Ky., Me., Mass., Mich., Minn., Mo., Mont., Neb., N.H., N.J., N.M., N.Y., Oh., Okla., Pa., R.I., Tenn., Tex., Ut., Vt., Va., W. Va., Wis., Wy. Observed Oct. 12 in Md. (Discoverer's Day in Hawaii, Pioneer's Day in S.D.).

Nov. 6 (1st Tuesday after 1st Monday in Nov.)—General Election Day. Ind., N.J.,

N.Y., Va., W. Va. (Observed only when presidential or general elections are held. Primary election days are observed as holidays or part holidays in some states.)

Nov. 11 (Sunday observed No. 12)—Armistice Day (Veterans Day). All the states.

Nov. 22 (4th Thursday in Nov.)—Thanksgiving Day. All the states. The day after Thanksgiving is observed as a full or partial holiday in several states.

Dec. 25 (Tuesday)—Christmas. All the states.

Other legal or public holidays

Dates are for 1979 observance, when known.

Jan. 8.—Battle of New Orleans. In La.

Jan. 15—Martin Luther King Birthday. Conn., Fla., Ill., Ky., La. (some years), Md., Mass., Mich., N.J., N.Y., Oh. Many schools and black groups in other states also observe the day.

Jan. 15 (3rd Monday in Jan.)—Robert E. Lee's Birthday. Ala., Miss., Lee-Jackson Day in Va.

Jan. 19—Robert E. Lee's Birthday. Ark., Fla., Ga., Ky., La., N.C., S.C., Tenn. (special observance); Confederate Heroes' Day in Tex.

Jan. 20—Inauguration Day. In the District of Columbia; observed every fourth year.

Jan. 30—Franklin D. Roosevelt's Birthday. In Ky.

Feb. 2—Arbor Day. In Ariz. (Most counties).

Feb. 14—Admission Day. In Ariz.

Feb. 27—Mardi Gras (Shrove Tuesday). Ala., La.

Mar. 2—Texas Independence Day. In that state.

Mar. 6—Town Meeting Day (1st Tuesday in Mar.). In Vt.

Mar. 15—Andrew Jackson Day. In Tenn. (special observance).

Mar. 17—Evacuation Day, In Boston and Suffolk County, Mass.

Mar. 25—Maryland Day. In that state.

Mar. 26—Kuhio Day. In Ha.

Mar. 28—Seward's Day. In Ala.

Apr. 2—Pascua Florida Day. In Fla.

Apr. 6—Arbor Day. In Ariz. (5 counties).

Apr. 12—Halifax Independence Day. In N.C.

Apr. 13—Thomas Jefferson's Birthday. In Ala.

Apr. 16—Easter Monday. In N.C.

Apr. 17—Patriot's Day (3rd Monday in Apr.). Me., Mass.

Apr. 21—San Jacinto Day. In Tex.

Apr. 22—Arbor Day in Neb.

Apr. 23—Fast Day (4th Monday in Apr.). In Ala.

Apr. 26—Confederate Memorial Day. Fla., Ga.

Apr. 27—Arbor Day (last Friday in Apr.) in Ut.

Apr. 30—(last Monday in Apr.)—Confederate Memorial Day. In Miss.

May 8—Harry Truman's Birthday. In Mo.

May 10—Confederate Memorial Day. In N.C., S.C.

May 20—Mecklenburg Day. In N.C.

28—(last Monday in May)—Confederate Memorial Day in Va.

June 3—Confederate Memorial Day. In Ky., La. (some years). Tenn. (special observance).

June 4 (first Monday in June)—Birthday of Jefferson Davis, Ala., Fla., Ga., Ky., Miss.

June 11—Kamehameha Day. In Ha.

June 14—Flag Day. Observed in all states; a legal holiday in Pa. Observed June 10 in N.Y.

June 18—Bunker Hill Day. In Boston and Suffolk County, Mass.

June 20—West Virginia Day. In W. Va.

July 24—Pioneer Day. In Ut.

Aug. 6—Colorado Day (1st Monday in Aug.). In that state.

Aug. 13—Victory Day (2nd Monday in Aug.). In that state.

Aug. 16—Bennington Battle Day. In Vt.

Aug. 17—Admission Day (3rd Friday in Aug.). In Ha.

Aug. 27—Lyndon Johnson's Birthday. In Tex.

Aug. 30—Huey Long's Birthday. In La. (some years).

Sept. 9—Admission Day. In Cal.

Sept. 12—Defender's Day. In Md.

Oct. 8—Alaska Day. In that state.

Oct. 31—Nevada Day. In that state.

Dec. 10—Wyoming Day. Commemorates woman's suffrage in that state.

Dec. 24—Christmas Eve. In Ark.

Dec. 26—Day after Christmas. In S.C.

Days usually observed

All Saints' Day, Nov. 1. A public holiday in Louisiana.

American Indian Day (Sept. 28 in 1979). Always fourth Friday in September.

Arbor Day. Tree-planting day. First observed April 10, 1872, in Nebraska. Now observed in every state of the Union except Alaska (often on the last Friday in April). A legal holiday in Utah (always last Friday in April), and in Nebraska (April 22).

Armed Forces Day (May 19, in 1979). Always third Saturday that month by presidential proclamation. Replaced Army, Navy and Air Force Days.

Bill of Rights Day, Dec. 15. By Act of Congress. Bill of Rights took effect Dec. 15, 1791.

Bird Day. Often observed with Arbor Day.

Child Health Day. (Oct. 1 in 1979). Always first Monday in October by presidential proclamation.

Citizenship Day. Sept. 17. President Truman, Feb. 29, 1952, signed bill designating Sept. 17 as annual Citizenship Day. It replaced "I Am An American Day," formerly 3rd Sunday in May and Constitution Day, formerly Sept. 17.

Easter Monday. (Apr. 16 in 1979). A statutory day in Canada.

Easter Sunday. (April 15 in 1979).

Elizabeth Cady Stanton Day, Nov. 12. Birthday of pioneer leader for equal rights for women.

Farmer's Day. (Oct. 8 in 1979). Florida.

Father's Day. (June 17 in 1979). Always third Sunday in that month.

Flag Day, June 14. By presidential proclamation. It is a legal holiday in Pennsylvania. Observed June 10 in N.Y. in 1979.

Forefathers' Day, Dec. 21. Landing on Plymouth Rock, in 1620. Is celebrated with dinners by New England societies especially "Down East".

Nathan Bedford Forrest's Birthday, July 13. Observed in Tennessee to honor the Civil War general.

Four Chaplains Memorial Day, Feb. 3.

Gen. Douglas MacArthur Day, Jan. 26. A memorial day in Arkansas.

Gen. Pulaski Memorial Day, Oct. 11. Native of Poland and Revolutionary War hero, died (Oct. 11, 1779) from wounds incurred at the siege of Savannah, Ga. Observed officially in Indiana.

Gen. von Steuben Memorial Day, Sept. 17. By presidential proclamation.

Georgia Day, Feb. 12. Observed in that state. Commemorates landing of first colonists in 1733.

Groundhog Day, Feb. 2. A popular belief is that if the groundhog sees his shadow

this day, he returns to his barrow and winter continues 6 weeks longer.

Halloween, Oct. 31. The evening before All Saints or All Hallows Day. Informally observed in the U.S. with masquerading and pumpkin-decorations. Traditionally an occasion for children to play pranks.

Leif Ericsson Day, Oct. 9. Observed in Minnesota, Wisconsin.

Loyalty Day, May 1. By act of Congress.

May Day. Name popularly give to May 1st. Celebrated as Labor Day in most of the world, and by some groups in the U.S. Observed in many schools as a Spring Festival.

Minnesota Day, May 11. In that state.

Mother's Day. (May 13 in 1979). Always second Sunday in that month. First celebrated in Philadelphia in 1908. Mother's Day has become an international holiday.

National Aviation Day, Aug. 19. By presidential proclamation.

National Day of Prayer. By presidential proclamation each year on a day other than a Sunday.

National Freedom Day, Feb. 1. To commemorate the signing of the Thirteenth amendment, abolishing slavery. Feb. 1, 1865. By presidential proclamation.

National Maritime Day, May 22. First proclaimed 1935 in commemoration of the departure of the SS Savannah, from Savannah, Ga., on May 22, 1819, on the first successful transatlantic voyage under steam propulsion. By presidential proclamation.

Pan American Day, Apr. 14. In 1890 the First International Conference of American States, meeting in Washington, was held on that date. A resolution was adopted which resulted in the creation of the organization known today as the Pan American Union. By presidential proclamation.

Primary Election Day. Observed usually only when presidential or general elections are held.

Reformation Day, Oct. 13. Observed by Protestant groups.

Sadie Hawkins Day (Nov. 17 in 1979). First Saturday after November 11.

St. Patrick's Day, Mar. 17. Observed by Irish Societies, especially with parades.

St. Valentine's Day, Feb. 14. Festival of a martyr beheaded at Rome under Emperor Claudius. Association of the day with lovers has no connection with the saint and probably had its origin in an old belief that on this day birds begin to choose their mates.

Senior Citizens' Day. (Sept. 23 in 1979). Celebrated in Indiana on the fourth Sunday in September.

Susan B. Anthony Day, Feb. 15. Birthday of a pioneer crusader for equal rights for women.

United Nations Day, Oct. 24. By presidential proclamation to commemorate founding of United Nations.

Verrazano Day, Apr. 7. Observed by New York State to commemorate the probable discovery of New York harbor by Giovanni da Verrazano in April 1524.

Victoria Day (May 21 in 1979). Birthday of Queen Victoria, a statutory day in Canada, celebrated the first Monday before May 25.

Francis Willard Day, Sept. 28. Observed in Minnesota to honor the educator and temperance leader.

Will Rogers Day, Nov. 4. In Oklahoma.

Wright Brothers Day, Dec. 17. By presidential designation to commemorate first successful flight by Orville and Wilbur Wright, Dec. 17, 1903.

Youth Honor Day, Oct. 31. Iowa day of observance.

Other Holidays, Anniversaries, Events—1979

Jan. 5, 1979—Zebulon Pike born.

Jan. 15, 1929—Martin Luther King born.

Jan. 21 (Sun.)—Superbowl game.

Feb. 1 (Thurs.)—Robinson Crusoe Day.

Feb. 14 (Wed.)—St. Valentine's Day.

Mar. 14, 1629—Massachusetts Bay Co. chartered.

Mar. 14, 1879—Albert Einstein born.

Mar. 21 (Wed.)—Spring begins, 12:22 a.m. EST.

Mar. 27, 1879—Edward Steichen born.

Apr. 1 (Sun.)—April Fool's Day.

Apr. 16 (Mon.)—Boston Marathon.

May 1 (Tues.)—Law Day.

May 5 (Sat.)—Kentucky Derby.

May 17, 1954—Supreme Court outlaws school segregation.

May 24, 1879—William Lloyd Garrison dies.

May 27, 1679—Parliament passes Habeas Corpus Act.

May 27 (Sun.)—Indianapolis 500 auto race.

June 21 (Thurs.)—Summer begins, 6:56 P.M. EST.

June 24 (Sun.)—San Juan Day in Puerto Rico St.

July 1 (Sun.)—Jean Day in Quebec. Dominion Day or Canada Day.

July 14 (Sat.)—Bastille Day in France.

July 20, 1969—U.S. astronauts land on moon.

Aug. 1, 1779—Francis Scott Key born.

Aug. 14, 1879—Ethel Barrymore born.

Sept. 16 (Sat.)—Mexican Independence Day.

Sept. 23 (Sun.)—Autumn begins, 10:17 A.M. EST.

Sept. 28, 1779—John Paul Jones captures *Serapis*.

Oct. 15 (Mon.)—World Poetry Day.

Oct. 23 (Tues.)—Swallows return to Capistrano.

Oct. 29, 1929—Stock Market crashes.

Nov. 2, 1879—Wallace Stevens born.

Nov. 4, 1879—Will Rogers born.

Nov. 5 (Mon.)—Guy Fawkes Day in England.

Nov. 10, 1879—Vachel Lindsay born.

Dec. 7 (Fri.)—Pearl Harbor Day.

Dec. 18, 1879—Paul Klee born.

Dec. 22 (Sun.)—Winter begins, 6:10 A.M. EST.

Dec. 29, 1879—Billy Mitchell born.

It is clear, when one reviews the variety and nature of holidays observed in this country, why a congressional decision to add another Federal holiday has been avoided in recent years. America is a kaleidoscope of regions, cultures, ethnic backgrounds and values. Historical events, though common to the history of America in a larger context, have special and particular meaning to certain parts of the country. Certain individuals have special meaning to particular groups of people and to particular regions. Surely, these groups argue, this person or this event is important enough to merit recognition as a Federal holiday. Surely, everyone shares their enthusiasm for observing and commemorating a day to honor this or that. But Congress, in its wisdom has refused, and, with good reason, to succumb to these pleas. Thus, a proliferation of days to observe, at local option, those special Americans and events has emerged.

Dr. Martin Luther King, Jr.'s birthday has not been ignored in this process. His birthday, January 15, is observed in the States of Connecticut, Florida, Illinois, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, South Carolina, and to some degree in other States throughout the Nation. These States have recognized the principle of Federalism that leaves to the States matters that are not

necessarily the province of the Federal Government. Local option by the States with regard to holidays should be upheld.

V. A NATIONAL DAY OF OBSERVANCE

The most reasonable and forceful alternative to the designation of Dr. Martin Luther King, Jr.'s birthday as a Federal, legal holiday, is an annual day of observance for the same purpose. Such a day would achieve the purposes sought by the proponents of S. 25, the setting aside of a day to memorialize Dr. King and his achievements. It would also avoid many of the problems that the creation of a new, Federal holiday entails.

There is ample procedure for the designation of days as National days of observance. The Committee considers dozens of them each year. That is not meant to downplay the importance of a day of national observance. On the contrary, January 15 is already recognized as Dr. King's birthday throughout many parts of the country. Moreover, although legislation before the committee designating national holidays is only considered for an annual observance, any legislation considered for Dr. King should make January 15 of each year a national day of recognition.

Opposition to S. 25

Two days of hearings on this legislation were held. The first day, March 27, 1979, consisted of witnesses who testified in favor of S. 25. The majority report summarizes their testimony and highlights the arguments in support of this legislation.

On June 21, 1979, a second day of hearings was held and included several witnesses who testified in opposition to S. 25. The hearing record of this day has been dismissed out of hand by the majority. Although there were charges made during the June 21 hearing that are not necessarily shared by members of the committee, it would not be fair to the legislative process to not present some of the arguments made in opposition of S. 25.

Several witnesses, representing conservative groups like the Young Americans for Freedom and the Virginia Taxpayers' Association opposed S. 25 because of the costs involved to such legislation and because Dr. King's place in history was not without controversy. Clifford J. White III, National Director of Young Americans for Freedom, stated:

"In conclusion, I ask the Committee to reject S. 25. Please do not tell young Americans that Martin Luther King's memory—as it is construed by many to mean antedefense, pro-Government spending and other political positions—is beyond reproach."

It should be pointed out that even though one may not be persuaded by the testimony presented during the second day of hearings, the fact that people still consider Dr. King a controversial figure argues against the creation of a Federal holiday at this time. The Judiciary Committee should weigh carefully the burden of creating a new, Federal holiday when so many arguments in opposition to it have been made. A simple majority is not sufficient in this case; near unanimity should be required on an issue of such national impact. This legislation is as controversial now as it has been in the past. Until Dr. King's place in history is sufficiently preserved it will continue to be so. Therefore, the Committee should reject S. 25 as introduced.

STROM THURMOND.

PAUL LAXALT.

ORRIN G. HATCH.

A. K. SIMPSON.

Mr. HELMS. Mr. President, I noted with interest the eloquent comments by my friend from Massachusetts about what his distinguished brother Robert F. Kennedy would do and say today if he were here. I cannot testify as to that; I lack the capacity. I did not catch all of the remarks made by the Senator from Massachusetts this morning, but I understood him to say—and I am perfectly willing to stand corrected if I am in error—that his brother did not order the wiretaps on Dr. King. Well, in this sampling of documents which were obtained—

Mr. KENNEDY. Would the Senator want to yield on that point?

Mr. HELMS. I will be glad to yield to the Senator. I ask the Senator to forebear.

These documents were obtained under the Freedom of Information Act and they are official documents. I was a little surprised that the distinguished Senator from New York (Mr. MOYNIHAN) described these documents as filth.

It has been said a number of times that Dr. King is not here to defend himself, and that is correct. Neither is J. Edgar Hoover here to defend himself against the implicit and actual attacks upon him. I think this is a good occasion to say about J. Edgar Hoover that whatever faults he may have had, he spent most of his lifetime trying to protect this country against communism.

Now, J. Edgar Hoover lived in an imperfect world, just as we live in an imperfect world. He was not impossible of error, just as Senators today are not impossible of error. But on balance I think it needs to be said that working with a long series of Presidents who trusted him and who followed his advice, J. Edgar Hoover performed a notable service for this country. So we have a situation where Dr. King is not here to defend himself and J. Edgar Hoover is not here to defend himself. Therefore, I think it is incumbent upon us to go by the records as the records exist and not as we wish them to be.

The PRESIDING OFFICER (Mr. MATTINGLY). The time allotted the Senator has expired.

Mr. HELMS. If the Senator would yield me a few more minutes.

Mr. RUDMAN. I would be pleased to yield to the Senator from North Carolina.

Mr. HELMS. I thank the Senator.

Now, back to the distinguished late Attorney General Robert Kennedy, brother of our distinguished colleague.

I have heard no one challenge or even refer to one of the items in this volume which Senator MOYNIHAN so sharply criticized. There is a memorandum, an interagency memorandum, from the FBI. Let me read part of this. It was to Mr. Sullivan, from—and

this name is not clear to me because it is a photostat, the best we could obtain under the Freedom of Information Act. It says:

Pursuant to your request the following facts concerning electronic surveillances on Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC), and former Attorney General Ramsey Clark's knowledge of those surveillances are set forth.

A wiretap was installed at King's address in Atlanta, Georgia, on 11/8/63 and was discontinued 4/30/65 when he moved. It was not reinstituted at his new address. Former Attorney General Robert Kennedy approved this 10/10/63. In addition, on Kennedy's 10/10/63 authorization, wiretaps on King were instituted at the Hyatt House Motel in Los Angeles (4/24-26/64 and 7/7-9/64; at 125 East 72 Street, New York City, temporary address.

Mr. President, I ask unanimous consent that the remainder of the paragraph be printed in the RECORD, since it just identifies the hotel. I would be glad to read it all, but I do not think it is necessary.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Pursuant to your request the following facts concerning electronic surveillances on Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC), and former Attorney General Ramsey Clark's knowledge of those surveillances are set forth.

A wiretap was installed at King's address in Atlanta, Georgia, on 11/8/63 and was discontinued 4/30/65 when he moved. It was not reinstituted at his new address. Former Attorney General Robert Kennedy approved this 10/10/63. In addition, on Kennedy's 10/10/63 authorization, wiretaps on King were instituted at the Hyatt House Motel in Los Angeles (4/24-26/64 and 7/7-9/64; at 125 East 72 Street, New York City, temporary address, 8/14-9/8/64; and the Claridge Hotel, Atlantic City, New Jersey, (8/22-27/64). These were discontinued when King left these addresses.

Mr. HELMS. Mr. President, the point is that however emotional this issue may be and how politically charged it may be, the fact remains that President John F. Kennedy and Attorney General Robert Kennedy knew about the associates of Dr. King. I cannot read anybody's mind, never had contended to be able to do so; therefore, it is incumbent upon us to go by the records, and the record is indisputable that the then President and the then Attorney General both warned Dr. King about his associations with known Marxists. Dr. King did not follow the advice of his friends and supporters, the two distinguished Kennedy brothers, John F. Kennedy and Robert Kennedy.

What bothers me about this whole scenario is that this proposal is to set up Dr. King as a role model for young Americans and to do it in perpetuity, to do it once a year. That is why I have undertaken what I knew from

the beginning would be a losing cause, under the politically charged atmosphere that exists, to try to have the Senate back up, go a little more slowly, and examine the facts. That is all I have asked.

If these facts are not accurate, if these documents are inaccurate, and if the documents which we have tried to obtain—and which, indeed, we are trying to obtain at this moment in the courts—show that the Senate would be well advised to proceed with this measure, then the Senator from North Carolina would not raise one hint of a protest.

I am troubled by the fact that normal Senate procedures on an important piece of legislation, about which there is a sharp division of opinion in this country, would be approved by the Senate without hearings during this session of Congress, on this piece of legislation.

It would not go into effect until 1986, so why the haste? What is wrong with taking our time and hearing both sides of it and making a judgment based on both sides?

It is all very well for the distinguished Senator from New York to tell of his personal association with Dr. King, but I guess there is a side to all of us and to each of us that our friends do not know. But when we single out one person for a unique honor and do so in haste and without consideration by the Senate as now constituted, then I think we are making an error.

I believe that the Senator from New Hampshire has proposed a good amendment. I know of no one who would object to his amendment if it were freestanding as a piece of legislation; and I dare say that if hearings were held in the Judiciary Committee, it would be reported forthwith.

The truth of the matter is that the Senator from New Hampshire has made an excellent suggestion. I appreciate his having done so, and he has done so without any implication that he disrespects anybody. I think the amendment should be approved.

I ask the Senator from New Hampshire if he will honor me by allowing me to be a cosponsor of his amendment. I should add that, if this amendment were enacted, I would want to make sure that the total number of paid Federal holidays not exceed nine.

Mr. RUDMAN. Mr. President, I am pleased to ask unanimous consent that the name of the Senator from North Carolina be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Maryland has 24 minutes.

Mr. KENNEDY. Mr. President, will the Senator yield me 10 minutes?

Mr. MATHIAS. I yield 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in my earlier remarks, I did not, as suggested by the Senator from North Carolina, indicate that Robert Kennedy had not approved a limited telephone tap for a period of 30 days. I indicated, however, that were Robert Kennedy alive today, he would deplore that kind of surveillance, and he would be the first to express his admiration and respect for Dr. Martin Luther King. And I am speaking from personal knowledge of that.

And I am also personally convinced that Robert Kennedy would be a strong advocate of this legislation to honor Dr. Martin Luther King.

I am quite prepared to move on to other issues. But since so much debate has involved what was and was not said earlier by various Senators, I have in my hand the transcription of the statements made by the Senator from North Carolina earlier today, and I would refer to the part where he said:

Mr. President, I have moved that this bill be committed to the Judiciary Committee for a very simple reason. The Senate, to be blunt about it, has not done its homework on this matter. Despite the rarity of holidays for individuals in our country, we are obviously on the verge of passing this bill without one minute of consideration by a committee, let alone hearings, in the Senate.

The Senate is a continuing body, and therefore it takes a two-thirds vote of the Senate to change the rules. Some say it is a new body every 2 years, and if it is a new body then we ought to be able to adopt the rules by majority. But those who have supported filibusters have always suggested that it is a continuing body.

But I am not interested in getting into that fact. It has been suggested that neither the Judiciary Committee nor the Senate has available to it information relating to the Martin Luther King birthday legislation. I have taken issue with that and I do not really intend to get into a continued discussion of it because I think the facts have been laid before the Senate.

I would mention, Mr. President, that Robert Kennedy and President Kennedy did advise Dr. King to stop seeing the two advisers in question. They did so in the context of that time when rabid segregationist views against the 1963 civil rights bill were diverting attention from that bill with a lot of leaks and innuendos about Communist influence on the civil rights movement. So naturally there was an effort to remove the diversionary issue from

the passage of that historic law, and in that situation my brothers advised Dr. King for the good of that effort. A wiretap was approved for a period of 30 days. The assassination of President Kennedy came at the end of those 30 days and it was not reviewed again by my brother, Attorney General Robert Kennedy, but it was continued and expanded in the form of other surveillance by subsequent Attorneys General.

I think the point remains that in reviewing this material, the Church committee came to the conclusion, as I outlined earlier in my previous remarks, that there was no evidence of Communist influence on the civil rights movement. And no matter how many times he keeps raising this issue, the Senator from North Carolina—and he has raised it frequently—is not able to contradict the conclusion that was made by a duly appropriate bipartisan committee of the U.S. Senate.

I would just like to continue because I think it is important Mr. President, to respond, although I do not really think it is worth doing so, but so much has been made of it that I would just like to make a brief additional comment.

Some suggest that Dr. King was manipulated by a secret Communist conspiracy. If that is so, why has no one ever been able to show the impact of that conspiracy on the movement that Dr. King led?

Dr. King's leadership in arousing the Nation's conscience is now history. Scholars and investigators have had 20 years to study his actions and the course of the civil rights movement. Where is the impact of this supposed conspiracy on the civil rights movement?

Were the hundreds of thousands of Americans who marched on Washington peacefully to petition the Government for fulfillment of the promises in our Constitution the result of a Communist conspiracy?

Mr. MOYNIHAN. Will the Senator from Massachusetts yield for a question.

Mr. KENNEDY. I wonder if I could just finish for 1 minute.

Were the hundreds of black boys and girls, teenagers and schoolchildren who braved the hoses and dogs and bully clubs, the result of a Communist conspiracy?

Were the thousands of Americans from all walks of life and all parts of the country, workers, teachers, priests and rabbis, famous and anonymous, black and white, who marched at Selma—the result of a Communist conspiracy?

What was the Communist plot? To enforce the 14th and 15th amendments? To let blacks use the same lunch counters and washrooms and water faucets as their white neighbors? To let American citizens vote for

their government? Those were the goals which Dr. King fought for and achieved. Were they part of a Communist plan that manipulated Dr. King?

For those who believe they reflect a Communist manipulation of Dr. King I suggest that they reread our history. I yield.

Mr. MOYNIHAN. Would my friend from Massachusetts allow me to put this general proposition? He mentioned the March on Washington in 1963. I was then an Assistant Secretary of Labor in the administration of President Kennedy, and was much involved with the aroused expectations and sheer joy of that event. There was no one in Washington at that time who supported it more than George Meany, the president of the AFL-CIO. Would the Senator from Massachusetts have the impression that George Meany was soft on communism.

Mr. KENNEDY. The Senator has brought up a very good point, and the answer to that obviously is in the negative. He was one of the strongest fighters in opposition to communism both here and abroad.

Mr. MOYNIHAN. The Senator is aware that the organizer of that march was Bayard Rustin, a disciple of A. Philip Randolph of the AFL-CIO, and would he know in the past 30 years who has devoted most of his life opposing communist totalitarian movements here and abroad.

Mr. KENNEDY. The Senator is correct in paying tribute to Bayard Rustin. As the Senator has pointed out in this comment and earlier comments, he has been one of the strongest advocates against communism and for the advancement of equal rights and opportunities.

Mr. MOYNIHAN. If I can say to my friend from Massachusetts there is something Orwellian about the proposition stated earlier in this Chamber. That we could think that a man such as Dr. King was inspired by communism, he who has written some of the most eloquent and incisive theological analyses of the incompatibility of Communist doctrine with Christian belief that are in print. He wrote more incisively about the incompatibility of communism with Christian theology than any man of his time. And he wrote better than most. I believe it to be the case that not many now recall how fine a writer he was, in addition to his innumerable other talents.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. I thank the Senator from New York for his comments. I have no further comments at this time. I thank the Senator from Maryland. I would yield 30 seconds more for the reasons outlined by the Senator from Maryland hoping that the amendment of the Senator from New

Hampshire would not be accepted. I want to say I know from my own conversations with the Senator from New Hampshire, and his own deeply held view and the sincerity of his view about this particular amendment, he has spoken to me about it, and indicated he was going to offer it and I respect the reasons for which he does offer it, but I do believe that for the reasons which have been outlined earlier this day that the amendment should not be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. I yield 2 minutes to the Senator from North Carolina.

Mr. EAST. Mr. President, all I would like to do is clarify with the managers of the bill, which I will have a colloquy in a moment: As I understand my amendment will be the next amendment offered after the vote on the Rudman amendment, and would I be correct in suggesting that the vote on the Rudman amendment will occur prior to the 12 o'clock recess?

I presume the time will have expired by then. If I am in error, of course, we will come back at 2 o'clock when we can pick it up again. But is my understanding correct that then my amendment would be the second one to be brought up and we would do that at 2 o'clock, assuming we complete the vote on the Rudman amendment prior to noon?

Mr. MATHIAS. It is my hope the vote on the Rudman amendment will occur immediately as soon as the Senator and I stop talking. In that event, we might well be able to offer the next amendment, which could logically be the Senator's amendment since he is on the floor.

Mr. EAST. I would be happy to lay it down. The only thing that concerns me is—and I have not been talking except for a point of clarification, so I have not preoccupied the time.

Mr. MATHIAS. If the Senator introduces his amendment, it could then be laid aside during the luncheon recess.

Mr. EAST. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Will the Senator withhold, please? There is time for debate remaining on the Rudman amendment.

Mr. RANDOLPH. Will my colleague from North Carolina withhold for just a second? I will not delay him.

Mr. EAST. Yes.

Mr. RANDOLPH. I ask the Senator from Maryland, who is certainly the leader in this legislation being considered, handling it for the majority, I want to be careful not to push my amendment which will be offered, but I do not want to be lost in the amendment process. I would be delighted to have the Senator indicate when I can offer my amendment, which will design-

nate the birthday of Dr. King as the day to be observed.

Mr. MATHIAS. Mr. President, let me assure the Senator from West Virginia that he could never be lost in any process and that will always play a significant role.

Mr. RANDOLPH. The Senator is very kind. I just wanted to be certain that a sequence was not being established and that I did not have the opportunity, of course, of presenting the amendment which I hope will receive the support of the Senate.

The PRESIDING OFFICER. The Chair will rule that the time has not expired on the Rudman amendment and the amendment that has been offered by the Senator from North Carolina is not in order at this time. The debate is on the Rudman amendment.

Mr. MATHIAS. Mr. President, in further response to the Senator from West Virginia, the managers of the bill will carefully note that he has an amendment and that there is no hard and fast list yet established. We have been trying to assemble a list of those who may wish to offer amendments. If he would like to offer his earlier this afternoon following the East amendment, I think it would be entirely appropriate.

Mr. RANDOLPH. That would be agreeable. I want to cooperate fully. I will follow the Senator from North Carolina in the presentation.

Mr. MATHIAS. As the Senator knows the rules better than I, there is no way the managers could enforce a rigid and ironclad order but certainly that would be appropriate.

Mr. RANDOLPH. May I say further that I think the dialog we are now having would certainly clear up any problem.

Mr. MATHIAS. Mr. President, there are no further speakers on our side. I yield back our time. We can then have the rollcall and then Senator EAST can offer his amendment.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield back his time?

Mr. RUDMAN. I yield back my time.

Mr. MATHIAS. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire (Mr. RUDMAN). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Wisconsin (Mr. KASTEN), would vote "nay."

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Tennessee (Mr. SASSER), and the Senator from Massachusetts (Mr. TSONGAS), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), would vote "nay."

The result was announced—yeas 22, nays 68, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—22

| | | |
|-----------|-----------|----------|
| Abdnor | Hawkins | Pressler |
| Armstrong | Hecht | Rudman |
| Cohen | Helms | Simpson |
| Denton | Laxalt | Symms |
| East | Mattingly | Tower |
| Garn | McClure | Wallop |
| Goldwater | Murkowski | |
| Hatch | Nickles | |

NAYS—68

| | | |
|-------------|------------|----------|
| Andrews | Evans | Mitchell |
| Baker | Exon | Moynihan |
| Baucus | Ford | Nunn |
| Bentsen | Glenn | Packwood |
| Bingaman | Gorton | Pell |
| Boren | Grassley | Proxmire |
| Boschwitz | Hatfield | Pryor |
| Bradley | Heflin | Quayle |
| Bumpers | Heinz | Randolph |
| Burdick | Inouye | Riegle |
| Byrd | Jepsen | Roth |
| Chafee | Johnston | Sarbanes |
| Chiles | Kassebaum | Specter |
| Cochran | Kennedy | Stafford |
| Cranston | Lautenberg | Stennis |
| D'Amato | Leahy | Stevens |
| Danforth | Levin | Thurmond |
| DeConcini | Long | Trible |
| Dixon | Lugar | Warner |
| Dole | Mathias | Weicker |
| Domenici | Matsunaga | Wilson |
| Durenberger | Melcher | Zorinsky |
| Eagleton | Metzenbaum | |

NOT VOTING—10

| | | |
|----------|------------|---------|
| Biden | Huddleston | Sasser |
| Dodd | Humphrey | Tsongas |
| Hart | Kasten | |
| Hollings | Percy | |

So Mr. RUDMAN's amendment (No. 2328) was rejected.

Mr. MATHIAS. I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, will the Senator from Maryland yield to me?

Mr. MATHIAS. I am happy to yield to the majority leader.

Mr. BAKER. Mr. President, it is 3 minutes to 12. By the order previously entered, we are to recess from 12 o'clock until 2 o'clock. I suggest the managers lay down an amendment. That is about all we can do; then we shall go out.

Mr. MATHIAS. Mr. President, the Senator from North Carolina (Mr. EAST) has an amendment.

AMENDMENT NO. 2329

[Purpose: To make National Civil Rights Day a national holiday each March 16]

Mr. EAST. Mr. President, I have already sent the amendment to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. EAST) proposes an amendment numbered 2329.

Mr. EAST. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "National Civil Rights Day Act of 1983".

Sec. 2. The Congress finds that—

(1) the birthday of President James Madison is March 16;

(2) James Madison played a significant role in the drafting and adoption of the Constitution of the United States;

(3) James Madison played a significant role in the drafting and adoption of the "Bill of Rights" contained in the first ten Amendments of the Constitution of the United States;

(4) the Constitution of the United States is the source of and authority for the laws of the United States and the civil rights and liberties of the citizen; and

(5) the laws of the United States and the civil rights of the citizen guarantee the right of protection of the laws without regard to race, color, creed, national origin, sex, or disability.

Sec. 3. March 16 of each year is designated as "National Civil Rights Day", and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. EAST. Mr. President, as I understand it, we shall be recessing from 12 to 2, and my amendment will be the pending business when we reconvene.

Mr. MATHIAS. Mr. President, the amendment of the Senator from North Carolina will be the pending business.

The PRESIDING OFFICER. That is correct.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, at 11:58 a.m., the Senate recessed until 2 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. LUGAR).

The PRESIDING OFFICER. Who yields time?

Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. Mr. President, I have already, prior to the recess, submitted an amendment for consideration, and

it is my understanding that we would commence at 2 p.m. the debate on that amendment, which would last for a maximum 1 hour, 30 minutes equally divided. Am I correct on that?

The PRESIDING OFFICER. The Senator is correct, 1 hour equally divided.

Mr. EAST. If so, I would like then to proceed with discussion of my amendment.

The PRESIDING OFFICER. The Senator may proceed.

Mr. EAST. Mr. President, the amendment that I offer as a substitute to the Martin Luther King bill would establish in lieu of the Martin Luther King holiday bill a commemorative day, not a paid holiday, called National Civil Rights Day. It would be observed on the 16th of March, which is the birthday of James Madison, a distinguished Virginian, the father of the Constitution, as he is known and, I would like to note, the first man, the key man to shepherd through the first Congress the Bill of Rights from which all of our rights spring, that is, the Constitution, the Bill of Rights. James Madison is the key figure there.

Now, the purpose of this commemorative day is to honor achievement in and the American commitment to the idea of judging each individual on the basis of talent and ability regardless of race, color, creed, religion, national origin, sex, or disability, physical or mental; that people ought to be able to rise to that level to which their God-given talents and abilities will allow them to rise, without the arbitrary barriers of race, color, creed, religion, national origin, sex, or physical or mental disability.

Now, let me proceed to explain, Mr. President, why I think this amendment is a better one than the Martin Luther King proposal.

First of all, I think it is broader in scope. Second, I think it covers the concern that we have; namely, that America be ever mindful of its great commitment to individual freedom and the notion that people ought to be judged on talent, and interest, and ability and not arbitrary things such as race, or color, and again the whole litany that I have mentioned.

Now, by picking Martin Luther King's day, with all due respect to Martin Luther King, Jr., obviously, the focus—it cannot be otherwise—is strictly upon the race issue, which ought to be addressed and is in my amendment. But then, you see, it leaves out others. It leaves out the question of creed, religion; it leaves out the question of national origin; it leaves out sex, it leaves out the question of disability.

For example, I might propose that Franklin D. Roosevelt's birthday be made a paid national holiday to honor the physically handicapped. I do not wish to get personal about it, but I

have precisely the same physical handicap that he did. I am a polio paraplegic. Franklin D. Roosevelt was paralyzed with polio in 1921 at the age of 39. He went on to be elected Governor of New York twice and President of the United States four times. He founded the March of Dimes, which conquered polio and is now working on birth defects. Would that gain the support of a majority of the Members of this House as a paid national holiday for Franklin D. Roosevelt for the physically and mentally handicapped? Would they be less deserving of a holiday than, let us say, black Americans? It is not to denigrate black Americans. It is not to say there ought not to be recognition and an ongoing, continuing commitment and concern. I am simply saying, could I expect a majority of support for that proposal in this Chamber? And if it were rejected, would I be proper in suggesting this Chamber is prejudiced against physically handicapped? I think all would resent that and resent the notion that some way or other you are prejudiced against us because you would not support our particular measure.

We should be able to clarify our position, those of us opposed to the Martin Luther King bill, that we are not thereby converted racists, bigots, people opposed to the proper treatment and continued improved treatment of black Americans. It is simply the question, the vehicle, and the remedy.

I should like to point out, Mr. President, that we have, to put this in perspective, nine federally paid holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day. You will note that of these nine only one celebrates the birthday of a specific American; namely, Washington, the founder of the country, the father of the Revolution.

I submit, Mr. President, it is probably prudent for us to leave it at that, because everybody has his or her particular political figure or hero of any given time in American history to whom they might wish to devote a national holiday. For example, to raise Martin Luther King's Day to that equal of Washington counters one of including Thomas Jefferson or Abraham Lincoln or Robert E. Lee or Franklin D. Roosevelt or Douglas MacArthur. It could come from any side of the political spectrum. It could come from any political party.

I do not mean to make light of the point or be facetious about it, but eventually you would reach the point where you would have 365 days out of the year that were all paid, nonworking, Federal holidays.

I think at some point we need to say no more, no more beyond Washington.

He symbolized the founding of the country and the commitment to the great ideal of the American Nation. Let us let it go at that.

As far as this other great ideal, which I think at its best the Martin Luther King bill proponents are trying to make; namely our commitment to the ongoing ideal of treating people as individuals and not on the basis of arbitrary matters such as color, race, and so forth, my substitute amendment meets all of those concerns. It picks a very appropriate day; namely, James Madison's birthday, and would end the matter henceforth. It would be a day of commendation, not a paid holiday so there would be no cost to the Federal, State, and local governments and to private industry. To me it is an eminently fair, reasonable, positive, constructive alternative.

Now, another point I would make in defense of my proposed amendment is this question of historical perspective, getting into the merits of the King bill.

It is worth noting that it was 80 years after the death of George Washington before we had a national holiday in his honor—80 years. It has been 15 years since the death of Martin Luther King, Jr.—the tragic death. Have we gained sufficiently historical perspective? Perhaps we ought to wait to a later date.

James Jackson Kilpatrick, the well-known columnist, has suggested the year 2027, when we would have a better perspective on the contribution of Martin Luther King.

It is not to denigrate what he accomplished to this point. He may well emerge as the dominant black figure. He may not. There are other great black leaders on the political horizon currently in this country, and there are more to come. I do not think we have an opportunity for accurate, historical perspective, and that is vital and that is important if you are going to go beyond the precedent of President Washington.

I have a final concern here about the Martin Luther King day, and it is a narrow concern in terms of some remarks he made about the United States and his view of it at the Riverside Church speech in 1967, in New York. I want to make clear what I am saying. I am not accusing Martin Luther King, Jr., of any sort of sinister, malevolent goals or ends. I am troubled with these remarks, and I should like to quote them and see how you might reflect upon them.

Martin Luther King, in an address at the Riverside Church in 1967, said this about the American involvement in Vietnam. I am focusing strictly upon the American involvement in Vietnam. I know that is a very controversial issue, and there was great polarization in America on the issue. But here is what he had to say in his speech about

it. He said that the United States was "the greatest purveyor of violence in the world today."

These are direct quotes. He said this:

They [the South Vietnamese people] move sadly and apathetically as we herd them off the land of their fathers into concentration camps where minimal social needs are rarely met. . . . They watch as we poison their water, as we kill a million acres of their crops. . . . So far we may have killed a million of them—mostly children. What do they think as we test out our latest weapons on them, just as the Germans tested out new medicine and tortures in the concentration camps of Europe?

He is comparing the United States to Nazi Germany, and he is comparing American involvement in that war to Hitlerian tactics.

You might ask, what is my point? I think it is a slur and a desecration upon the memory of the brave young Americans who fought and died in that war. I could not in good conscience vote to honor the birthday of a man who said that, whatever else his great accomplishments were, because I think their sacrifice in Vietnam was an honorable and a noble one, and this is a profound and deep desecration of that great sacrifice.

You might say, "Well, East, you're simply taking one of the most negative things that King has done, but there were many positives." I understand that. Maybe it is simply my priority concern. But, as to a man who, in 1967, had that view of America, that it was the greatest purveyor of violence in the world today, and comparable to Nazi Germany, I question whether he ought to enjoy the stature of George Washington. Those two men would be the only Americans honored with a nationally paid Federal holiday.

In fact, the rhetoric of Dr. King in that speech was so extreme that he had severe criticism from traditionally very liberal sources. The Washington Post, in an editorial on April 6, 1967, was deeply critical.

Carl Rowan, who is a well-known black journalist, said in the Reader's Digest of September 1967: King has "alienated many of the Negro's friends and armed the Negro's foes . . . by creating the impression that the Negro is disloyal," which he is not.

I might note that in desecrating the memory of those who fought and died in Vietnam, that includes black as well as white Americans, and there were a disproportionate number of blacks who fought in that war, as opposed to the national population.

Life magazine said on April 21, 1967: King's speech is "a demagogic slander that sounded like a script for Radio Hanoi." That is strong language, and it came from liberal editorial writers.

I cannot, in good conscience, vote for a day of national commemoration equal to that of the father of the Revolution and the founder of the country.

I appreciate that the train rolls and the momentum is there, and I will be surprised if there are 15 votes against this bill. All amendments will be defeated—I am a realist—including my own. But what I should like to try to do with the few minutes allotted to me is put it in perspective, and that I have tried to do. Maybe it is a case of a man believing that his own line of reasoning is infallible and impeccable, but I honestly believe that if I or someone else could get on national television and explain what it is we are doing and what alternatives there might be, the majority of the American people would accept the alternatives.

So, again, I come back to my amendment, which, I repeat, not only would do what the Martin Luther King proposal at its best would attempt to do but also would do more and would settle the issue permanently and at no cost to the Federal Government or State government or local government or to private industry—namely, establish a commemorative day, not a paid holiday, a national Civil Rights Day, to be observed on March 16, the birthday of James Madison, the father of the Constitution.

Again, the purpose of the commemorative day would be to honor the American achievement in a commitment to the ideal of judging each individual American on the basis of talent and ability, regardless of race, color, creed, religion, national origin, sex, or disability.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator realize that this quorum call will be charged to his time?

Mr. EAST. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EAST. I ask unanimous consent that the order for the quorum call be rescinded. I request recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAST. I see that the majority manager of the bill has returned to the Chamber, and I had at least for the time being, I probably have around 10 minutes remaining. I stated my principal objection to the Martin Luther King measure and why I think that my amendment would better cover the issues at hand. I would be interested in hearing the response of the majority manager, for whom I have the greatest admiration.

You may recall, I refer of course to the distinguished Senator from Kansas, and I had referred to the possibility of, in my remarks, just to put this in perspective, and I would just like to inquire as to what he thinks of its relative merits, that we might after having established the King holiday,

and I am concerned about the precedent, and I think legitimately so and I do not make light of the subject, that we might, for example, take the birthday of Franklin D. Roosevelt as a day to honor the achievement and continued commitment to the ideal of the physically disabled in this country, of whom the distinguished Senator from Kansas is a notable example, who served with distinction in World War II, was wounded in the Italian campaign, one of the most respected Members of this Chamber, who himself has shown that one can overcome disability of a physical nature and rise to great height of achievement which he has so obviously done in such distinguished fashion.

The struggle of handicapped Americans has been very real and genuine and continues on, and I was suggesting Franklin D. Roosevelt's birthday as an appropriate day, a paid Federal holiday, because Franklin Roosevelt, as the Senator perhaps is I am sure aware, I had noted earlier contracted polio in 1921 at the age of 39 and went on to be elected Governor of New York twice, President four times, and then founded the March of Dimes, which is a private sector activity, by the way, which went on to the conquest of polio and is now serving in the conquest of birth defects, a very noble contribution Franklin D. Roosevelt had made.

Unless you are aware of the physical disability that he had it may be difficult to appreciate what he accomplished; enormous mental and physical strain upon him which would tax the resources of the normal able-bodied strong man let alone one who is totally paralyzed from the waist down, great inspiration to disabled people in this country.

I suppose what I am saying is their cause any less noble? Has their cause, their path, been any less arduous and I was suggesting earlier I think not. In short, as a matter of logic or rationality where would this end?

Or Susan B. Anthony's birthday to commemorate the accomplishments of women. In short, my amendment, which is a nonpaid Federal holiday, covers all of these things. The same, I think after a very appropriate day, the birthday of James Madison, the father of the American Constitution, and the man who shepherded the Bill of Rights through Congress, same day, and renew what I think is what the proponents of this bill are driving at; namely, that this country, great melting pot of the world, and that concept of individualism which is so fundamental to our political philosophy and theory. We want people judged on talent, merit, and ability not on the basis of extraneous factors such as race, color, creed, religion, and national origin, sex or physical disability.

Where is the weakness, Senator, I would like to inquire, that you see as majority manager for the King bill in that kind of reasoning. I would like to put that in the form of a question to the distinguished majority manager.

Mr. DOLE. Mr. President, I wonder if it might be satisfactory with the distinguished Senator from North Carolina if the Senator from Kansas might respond to the question just posed by the distinguished Senator maybe in a few minutes. I did not have a chance to hear the Senator's statement, and I have just come from another obligation and I think there is an answer. At least I have an answer.

I would just say generally that I asked my staff originally to go back and research the debate on all these other holidays in an effort to make certain days holidays and apparently go back to Washington's birthday. There was not much debate on that, at least the records are not available.

Columbus Day, the question was whether it should be on Monday, not Columbus himself.

My response would be in a general way, and certainly I have the highest regard for not all the policies of Franklin Roosevelt, but at least his spirit and his determination and the fact he did a great deal in a very difficult way because of his physical disability.

Certainly I have the greatest respect for the Senator from North Carolina. But I guess the way I would make a distinction is the fact this has happened during my lifetime and I have watched the change taking place because I have been in Congress ever since the first time Dr. King demonstrated his effectiveness in pointing out discrimination and injustice in this country, and I guess perhaps it is pretty hard for me to focus on Columbus. I did not know Columbus and I did not know Franklin D. Roosevelt. I was alive, but I knew about his policies and things of that kind and I guess that would make a difference as far as this Senator is concerned.

When you have seen the dramatic change that has happened all across this land and other lands because of one man, because of his dream and his vision and his diligence and his dedication and his commitment that really, as I see it, is what the debate is all about today. There may be different views. There were some who said that probably others should be honored, and I assume there may be amendments to do that, that it should not be a paid holiday. There obviously were great Americans, whether it is Jefferson, Lincoln, Theodore Roosevelt, Franklin Roosevelt, and others who may not have been public officials, but I guess that is an answer. I will do better. I hate to take your time to respond in such a manner but I will be

happy to give you some of the time from the opposition.

Mr. EAST. I thank the Senator. I would like to inquire how much time I have left.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. DOLE. I will be happy to yield additional time.

Mr. EAST. Finally, I would like to pose this question, since I see no other Senator seeking recognition here to speak on behalf of the amendment, I had quoted in your absence—

Mr. KENNEDY. Mr. President, I intended to respond to the points that have been made by the Senator at some time. I would be glad to withhold, if the particular question was addressed to the Senator from Kansas. But I have also some points to make on that issue. I could either make them now or when the Senator from North Carolina is finished.

Mr. EAST. What I would be happy to do then is to reserve the balance of my time, which is how much now, Mr. President?

The PRESIDING OFFICER. The Senator has 1 minute and 45 seconds.

Mr. EAST. I shall reserve the balance of my time then and would be happy to hear the response of the very able Senator from Massachusetts who, of course, as I understand it, Mr. President, will now be speaking on the time allocated to the proponents of the measure. Is that correct?

The PRESIDING OFFICER. That would be correct.

Mr. DOLE. Parliamentary inquiry, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Who has control of the time in opposition to the amendment?

The PRESIDING OFFICER. The Senator from Kansas has control of the time in opposition.

Mr. DOLE. I would be happy to yield 10 minutes to the Senator from Massachusetts and I would be happy to yield 5 minutes of my time to the Senator from North Carolina because I took that much of his time.

Mr. KENNEDY. I thank the Senator from Kansas.

Mr. President, I hope that the amendment that is being offered by the Senator from North Carolina will not be accepted here this afternoon. I will mention just a brief word about why I think the amendment is not appropriate and then try and respond to at least some of the arguments that have been made by the Senator from North Carolina on some of the other matters that he raised during his presentation in support of the amendment.

I believe, Mr. President, that when we review the history of this country, we find that there are extraordinary achievements and accomplishments that were made by our Founding Fa-

thers and I do not think it is necessary to review those here during this discussion and debate.

One important area of public policy which our Founding Fathers failed to address in a way which would have been consistent with both their ideals and their rhetoric was in the elimination of slavery in our society.

I think those of us who are in strong support of this particular legislation recognize that on completing that job of the elimination of slavery which I think has been contributed to by many individuals in our society—by Abraham Lincoln, by the Emancipation Proclamation, by various amendments to the Constitution of the United States in the 1860's, the 14th and 15th amendments—that nonetheless that in the real history of our country, the one who has done more to eliminate the elements and the residue of prejudice and discrimination in our society was the Reverend Martin Luther King, Jr.

Now I believe tied of his very profound efforts, which were based upon the concept of nonviolence and his strong and fundamental belief in the teachings of Christianity and the respect for the Judeo Christian ethic, was the recognition of not only the elimination of discrimination but also tied to that effort was the indispensable commitment of this Nation to jobs and to freedom.

He said in his statement against the war: "You can't really have freedom without justice and you can't have peace without justice and you can't have justice without peace."

The assemblage here in 1963 at the Lincoln Memorial was a demonstration and a commitment by Americans from every part of this Nation and from every part of American life for the elimination of segregation in our society and a recognition that the elimination of segregation was going to be tied to the achievement of jobs and the cause of social justice. And to at this time to amend this effort to just be a civil rights day really misses the essential thrust and spirit which Martin Luther King, I think, represented and the ideals for which he lived for and died for. So I hope the amendment will not be accepted.

Furthermore, Mr. President, it has been suggested by the Senator from North Carolina that somehow by Reverend King's condemnation of American involvement in Southeast Asia he was somehow despoiling the bravery and the courage of young Americans who gave their lives in that part of the world. The Senator from North Carolina obviously can put whatever interpretation he might want to on the words of Martin Luther King, Jr. But in reviewing his statement and his opposition to the war in Vietnam, it appeared to me that he was strongly critical of a governmental policy that had

seen the loss of American lives—black and white, brown, and yellow—and that he was appalled by that particular governmental policy. Perhaps he would have used words that I would not have used but I think any fair review of his position in opposition to the war, a position which I supported at that time in understanding the nature of his commitment, I would think would be really a gross misinterpretation or distortion of his words to in any way reflect anything but honor for those that gave their lives.

The fact of the matter is that when we read history, there were two individuals in this Chamber at the time of the Gulf of Tonkin resolution, Senators Ernest Gruening and Wayne Morse, who voted in opposition to that resolution.

I believe that the efforts of Martin Luther King, rather than being condemned for trying to bring an earlier end to the war, ought to be recognized as he recognized it, and that is that that involvement was a mistake in policy, but that in no way should that mistake in policy reflect on the very noble and brave efforts of outstanding young Americans who gave their lives for what they believed and what many Americans believed was in the best interests of this Nation and the cause of freedom.

So I hope, Mr. President, that the amendment of the Senator from North Carolina that would alter and change this resolution to Civil Rights Day will not be accepted. What we are attempting to do here today is to honor not just an individual but to honor a cause and an effort which I think has been absolutely indispensable in terms of achieving what our Founding Fathers meant when they said that all men are going to be created equal. I think Martin Luther King's contribution to achieving that particular goal and ideal should be memorialized with this particular piece of legislation.

I hope the amendment will not be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. EAST. Mr. President, I would like to respond on my time, which I gather now is about 6½ or 7 minutes.

The PRESIDING OFFICER. The Senator has just a little over 6 minutes remaining.

Mr. EAST. Mr. President, I would like to respond to the remarks made by the distinguished and able Senator from Massachusetts with regard to the Vietnam war issue.

I think it is an acknowledged fact, of course, there were strong differences over this war and its wisdom, its merit, where we were going, what we were doing. Certainly I would not characterize those who opposed the war, which I believe the distinguished Senator from Massachusetts did, saying it

was an unwise thing they were doing. I think it would be a deep slur, a profound slur, upon the distinguished Senator and simply not so.

The distinguished Senator from Massachusetts has in no way, form, or any other way, been connected with such an insidious movement. I think many of those who opposed the war in Vietnam in that period were frequently abused by their opponents by suggesting they were Communist sympathizers and that kind of thing.

I did not say that about them. I was not at that time in the Senate. But as a college professor at that time I did not so characterize them. I understood their position. I did not agree with it, but I understood it, and I understood the reasons that fair-minded Americans could disagree over it.

All I am suggesting to the distinguished Senator is that the rhetoric of King goes beyond that of simply saying, "Well, this is unwise, imprudent," when he says that, "We are the greatest purveyor of violence in the world today," and when he said:

They [the South Vietnamese people] move sadly and apathetically as we herd them off the land of their fathers into concentration camps where minimal social needs are rarely met. . . . They watch as we poison their water, as we kill a million acres of their crops. . . . So far we may have killed a million of them—mostly children. What do they think as we test our latest weapons on them, just as the Germans tested out new medicine and tortures in the concentration camps of Europe.

Dachau, Auschwitz, and Buchenwald come to mind.

What King is doing is referring to those who support the position that at least the country is taking on the characteristics of Nazi Germany.

I find that rhetoric so extreme and so repulsive that it transcends just the good, healthy, normal, reasonable, prudent opposition to that war which existed in this country. I quoted from a very liberal source, Carl Rowan, and Life magazine saying it was a "demagogic slander that sounded like a script for Radio Hanoi."

I am saying if that was his opinion of this country in 1967, his opinion of that war, and that American boys in Vietnam were doing what earlier Nazi forces were doing in their day, I think it is a perverted and tortured view of America, and it goes beyond normal, rational, fair criticism.

Again, it may be something I hold mostly too dear, but when I think of the young men who went there, black and white, a disproportionate number were black, who made the sacrifice, fought and died, I do not think of them as young storm troopers, I do not think of them as young Nazis. I think of them as young men who were trying to keep that part of the world from falling under Communist totalitarianism and the horror we have seen

since then in Cambodia and South Vietnam and the genocide, once the Communists have taken over.

That was an honorable and noble effort.

I am saying reasonable and honorable and patriotic Americans could disagree with our involvement in it. But do not characterize those who fought and bled and died and suffered and were maimed and now lie in veterans hospitals as nothing but young Nazi storm troopers.

A man who so characterizes them in that way I could not support in good conscience, understanding all of the other contributions he may have made with the idea of racial equality in America, which I support. If he thought that was what America was about and that is what that war was about, I think it disqualifies him from being elevated to the same stature, and he will be the only other American who enjoys that, as the founder of the country, George Washington.

So with all due respect to the distinguished Senator, who is an able debater, and always eloquently states his case, I think he glosses over this as simply an "excess of rhetoric in a very emotional period of American history." But I dare say to the distinguished Senator if the roles were reversed and those opposing the war were characterized as Communists, Marxist-Leninists, he would deeply resent it, and if it were his case, properly so because indeed he is not that. And neither were these young men that, and neither does this country represent that. It never has. It does not today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EAST. And it will not in the future. I think my amendment addresses that question.

Mr. KENNEDY. Will the Senator yield me an additional 3 or 4 minutes?

Mr. DOLE. Yes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I mentioned earlier, as one who took strong exception to American involvement in Vietnam I know that Martin Luther King did as well. He used words in opposition to American involvement in Vietnam which I might not have used. I would not draw the same conclusions that have been so freely drawn by the Senator from North Carolina.

What I am mindful of, Mr. President, is that Martin Luther King, Jr., was a man of nonviolence. He demonstrated his commitment to nonviolence not just in speeches on the floor of the U.S. Senate, not in pious press releases issued from Senate offices. He showed that he was a man of nonviolence by being in a church which was told it was going to be bombed, surrounded by young children and women

who were frightened and fearing for their lives, and when the young men in those churches wanted to go out and fight for their families he preached nonviolence. He deplored the fact that napalm was being dropped in villages and seeing children scorched—scorched. It violated everything that was in his soul and in his heart and everything that he believed in. His life is a record to that. His life is a record to that.

He quite frankly thought it was beneath a proud nation such as the United States of America to be dropping those tons and hundreds of thousands of bombs that did kill thousands of individuals and children, wherever they were. I think he believed, as I think many others believed, that if a child is 6 or 7 years old, it is not a Communist and it is not a Democrat and it is not a Republican. It is morally wrong. He did his most to awaken the conscience of the Nation to our mistaken policy.

I think for the kind of suggestions that have been made about what the meaning of his words were by his opposition to the war, Mr. President, need no defense from me. Anyone who has studied his work, who has listened to his preachings, who has read his comments would know that he was most of all a man of peace.

I do not know how difficult it is to preach nonviolence when you see children in many cities in this country being gassed or being bitten by police dogs and deploring violence. To suggest otherwise, Mr. President, is distorting history and is an unfair characterization of what this man's commitment was.

I have indicated why I believe the amendment should be defeated and I hope, Mr. President, that it will be.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. How much time remains in opposition to the amendment?

The PRESIDING OFFICER. Ten minutes remain.

Mr. EAST. Mr. President, I would like to make an inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EAST. It is my understanding that the yeas and nays have not yet been requested. I would like to request the yeas and nays.

The PRESIDING OFFICER. Will the Senator from Kansas yield for that purpose?

Mr. DOLE. Yes, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I understand we are prepared to vote on this amendment. I have not listened to all

the debate but a great deal of it. I supported the effort in Vietnam, starting, I guess, with President Eisenhower and going through Kennedy, Johnson, Nixon, and all the others who were involved in making decisions that got us deeper and deeper into that tragic conflict. I cannot recall what I may have said in 1967 in response to the comment by Dr. King, but I believe any of us in public life make statements that we later regret. I can recall a few that I have made that I would not have made upon more reflection, or probably any reflection at all.

I guess the point is that no leader is faultless. I do not know of any leader's public record which has been as thoroughly combed as Martin Luther King's.

I understand also that he later privately regretted making that remark, but that is probably beside the point. The remark was made. It does not reflect a view that I would share; it is not how I would have described our involvement in Vietnam. Whether we charge that up to whichever President or all the Presidents combined, it is a responsibility, I think, that every one of those Presidents must have shared.

I guess that minds are pretty well made up on what is going to happen here finally. The Senator from Kansas does not know what the vote may be, but I would guess the vote could be counted within one or two votes now. That does not mean we should not give serious consideration to the amendment of the Senator from North Carolina or any other amendments that would be offered.

I must say I have had my share of mail in the last few days because of the statements I have made in the opening days of this legislation indicating my support for the bill. It has been suggested that I change parties. Heaven forbid.

It has been suggested that I leave public life and do a lot of other things; that Republicans have nothing to gain in this exercise; that we are being duped by the same people who vote 95 percent of the time for liberal Democrats.

I assume I could add up all the reasons why many might want to oppose this bill and they might make a stack that is fairly high if we look at it today. But in my view, we have to take the same approach that Dr. King took a long, long time ago.

He was determined that he was going to change this country as far as discrimination and social justice were concerned. I do not believe as others might, that what we are doing here is creating a national day of confrontation—that every year, starting in 1986, there is going to be a national day of confrontation; a big anti-Republican parade and celebration in this country, to oppose everyone who espouses Re-

publican views or conservative views. I do not assume for a moment that that will happen. If I thought it would happen, I would not be on the floor managing or supporting the bill. But I do believe we have to look beyond today or next year or even this next decade.

Mr. President, I cannot think of any reason not to support this bill. There will be a lot of questions raised. Some will say that we ought to make it, as the Senator from North Carolina suggests, national civil rights day. Others say if we do this for a black man, next it will be Hispanics. But then again, some might say only Italians celebrate Columbus Day.

I have not followed the career of Martin Luther King as closely as some. I belong to a different political party. I agree that black political leaders tend to be Democrats, liberal Democrats over Republicans. But I believe that in looking over the last 20 or 25 years on the changes brought by the nonviolence and the efforts of Dr. King, we are doing the right thing.

I do share the view expressed earlier by Senator HELMS of North Carolina that there is no reason we should not have hearings on this bill. I did not make that call. It would seem to me, as a member of the Judiciary Committee, that we are very capable of having hearings. Maybe we could have resolved some of those issues at that time. But that is history. That is not going to be done. Now we are voting on different amendments and some may have great merit.

I hope, Mr. President, that we might defeat this amendment. I am certain it is offered with the best of intentions and respect, but I hope it will be defeated.

Mr. EAST. Mr. President, I wish to make a unanimous-consent request that a statement of mine which appeared in the Raleigh News and Observer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Raleigh News and Observer, Oct. 15, 1983]

EAST SAYS HOLIDAY FOR KING WOULD BE TOO EXPENSIVE

(By John P. East)

I believe it may not be generally understood that what is being proposed in honor of Martin Luther King Jr. is not merely a commemorative day but a legal public holiday—a paid holiday for federal workers in state and local governments throughout the country.

The cost estimates for a federal legal public holiday are exorbitant. For the federal government alone, the Library of Congress has estimated a cost of \$270 million, and for state and local governments a cost of \$692 million. That comes to a total of over \$900 million—nearly a billion—in pay, benefits and lost productivity for all government workers.

In addition, the U.S. Chamber of Commerce estimates that the cost to the private sector of another federal holiday would be \$4.3 billion, which, added to the public sector costs, gives a total of \$5.26 billion in all. In short, we are not talking about a merely honorary occasion but a major economic sacrifice for the country.

The cost of another federal holiday—our 10th—should give us pause in creating one. The nine others—New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas—generally commemorate events or values long held to be central to our national identity. Only one holiday, in honor of President Washington, honors an individual American. Are we, by creating another holiday for King, to elevate him to the same level as the father of our country and above the many other Americans whose achievements approach Washington's?

A number of other Americans come readily to mind who might reasonably be so honored: Thomas Jefferson, Abraham Lincoln, Robert E. Lee, Douglas MacArthur and Franklin Roosevelt, for example.

Roosevelt's achievements by themselves are distinctive. Crippled by polio at the age of 39 in 1921, he was subsequently twice elected governor of New York and four times president of the United States. He founded the March of Dimes, which, as a private charity, developed the vaccine for polio and which now leads the fight against birth defects. As a significant political and humanitarian figure in our national history, FDR is rivaled by few Americans, yet we hear no proposal to honor him with a national holiday. The reason there is no such proposal is that Americans do not generally honor individuals with such holidays, for if we did, there would be no end to them. We had best leave well enough alone, then, with the establishment of cost-free commemorative days for those we wish to honor.

Nor do we have sufficient perspective on King and the endurance of his achievements to place him on a par with any of the figures I have mentioned. It was not until 80 years after his death that Congress in 1879 honored George Washington with a paid holiday in his name. It has been only 15 years since King's death, and the emotions and controversies that swirl around his name have not yet allowed us to measure his achievements accurately or honestly. Let another 65 years pass (or, as James Kilpatrick has suggested, 50 years, so that we may examine the now-sealed FBI files on Dr. King) and we can then weigh his legacy with more objectivity.

Today that legacy does not appear to be entirely positive. King's speech on the Vietnam war in New York in 1967 has become notorious for his hostile remarks about America and the Americans who fought in Vietnam. Calling the United States "the greatest purveyor of violence in the world today," King compared the United States to Nazi Germany. The speech was strongly condemned by liberals who supported King and opposed the war—by Carl Rowan, *The Washington Post* and by *Life* magazine, for example. While it is true that others in the Vietnam era made similar remarks, conscience forbids that we officially honor their author as a national hero; his words were in fact a desecration of the memory of the Americans who fought in Vietnam and an insult to his country.

The cause that Americans should honor is the American ideal of civil rights for all in-

dividuals, that all men should be judged on the basis of their talents and merits and not on the basis of their race, color, sex, national origins, creed or disability. The proper way to celebrate this ideal is through a national commemorative day for civil rights.

As a commemorative day—not a federally imposed national holiday—there would be no costs, and National Civil Rights Day would be officially observed and celebrated by such activities and ceremonies as would truly honor this national institution for civil rights for all Americans. This day would avoid the exorbitant costs, distorted perspectives and embittering controversies that would attend a federal holiday for King, but it would more truly honor our national achievement in and our continuing commitment to civil rights—of which Martin Luther King, at his best, was a part.

Mr. DOLE. Mr. President, I am prepared to yield back the time in opposition. I believe all time in support has been used.

Mr. MOYNIHAN. Mr. President, I would like to address one remark of the distinguished Senator from Kansas.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. DOLE. I shall be happy to yield 2 minutes, 3 minutes—3 minutes.

Mr. MOYNIHAN. Mr. President, I simply want to say that it may, in retrospect, appear to some that Martin Luther King, Jr., was a person of a particular political party. That was not the impression of those who knew him and worked with him in various enterprises. In his last years on this Earth, he was conspicuously in opposition to the foreign policies of the Democratic President, in which he was joined by some Democrats and opposed by others, as he was joined by some in the Republican Party and opposed by others.

Martin Luther King, Jr. was a political man, in the finest, noblest meaning of the term, but he was not a party person. He was a minister of the church, and saw his responsibilities in that context. His was also a commitment to the American Constitution and to the fulfillment of its promise and its provisions. When we honor him, we honor those who believe in our Constitution, our democratic process, and our basic laws, which antedate and supersede party.

Indeed, we know that the framers of that Constitution were rather terrified of the idea of political parties and did not envision them emerging.

I would like to thank the Senator from Kansas for the way he put the case, but I simply offer the thought that if one knew Dr. King when he was alive and most active, one would not think he was a party person. He never presented himself, at least in my experience, in that mode. A day committed to the honor of Dr. Martin Luther King is a day committed to the celebration and honor of the American Constitution and those who believed

in it and lived by it. The principle of constitutionalism was innate in the doctrine of nonviolence espoused by Dr. King, as was hope for the future of this country and indeed confidence that in the end America would fulfill its constitutional promise to itself and to the world.

The black people of this country became citizens as a result of an act of a Republican President, and who knows what the future of a long-lived Republic will be.

Mr. President, I am happy to yield back such time as remains.

The PRESIDING OFFICER. All time for debate has expired. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Tennessee (Mr. SASSER), and the Senator from Missouri (Mr. EAGLETON) are necessarily absent.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 18, nays 76, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—18

| | | |
|-----------|----------|----------|
| Abdnor | Grassley | Nickles |
| Armstrong | Hatch | Pressler |
| Denton | Hecht | Rudman |
| East | Helms | Symms |
| Garn | Jepsen | Wallop |
| Goldwater | McClure | Zorinsky |

NAYS—76

| | | |
|-------------|------------|-----------|
| Andrews | Ford | Murkowski |
| Baker | Glenn | Nunn |
| Baucus | Gorton | Packwood |
| Bentsen | Hatfield | Pell |
| Biden | Hawkins | Percy |
| Bingaman | Heflin | Proxmire |
| Boren | Heinz | Pryor |
| Boschwitz | Huddleston | Quayle |
| Bradley | Inouye | Randolph |
| Bumpers | Johnston | Riegle |
| Burdick | Kassebaum | Roth |
| Byrd | Kasten | Sarbanes |
| Chafee | Kennedy | Simpson |
| Chiles | Lautenberg | Specter |
| Cochran | Laxalt | Stafford |
| Cohen | Leahy | Stennis |
| Cranston | Levin | Stevens |
| D'Amato | Long | Thurmond |
| Danforth | Lugar | Tower |
| DeConcini | Mathias | Trible |
| Dixon | Matsunaga | Tsongas |
| Dole | Mattingly | Warner |
| Domenici | Melcher | Weicker |
| Durenberger | Metzenbaum | Wilson |
| Evans | Mitchell | |
| Exon | Moynihan | |

NOT VOTING—6

| | | |
|----------|----------|----------|
| Dodd | Hart | Humphrey |
| Eagleton | Hollings | Sasser |

So Mr. EAST's amendment (No. 2329) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HEINZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I have just been notified that the court has ruled that the request that was made by the Senator from North Carolina for certain papers has been rejected, and I shall include in the RECORD the findings of the court and a more detailed explanation of the action. I understand it was made only a few minutes ago.

Mr. President, on the court ruling this afternoon on the request of the Senator from North Carolina, Judge Smith denied the motion of the Senator from North Carolina to intervene on two grounds: First, the court found that the Senator had no standing to intervene. The court rejected the argument that a Senator's interest in information which might bear on his future votes was a sufficient personal stake to confer standing. Judge Smith distinguished the case of Kennedy against Sampson in which a Senator's past vote had been pocket vetoed and would be nullified without further action.

Second, the court held that even if the Senator had established standing, the court would be bound by Supreme Court precedent to deny intervention as a matter of separation of powers. The Supreme Court has directed that extreme restraint be exercised on judicial interference with the legislative process.

Here, the Senator from North Carolina seeks to investigate sealed records because he disputes his colleagues' decision to act on this bill without a hearing in the Senate. The court held that this was an argument between the Senator and his colleagues upon which the court should not intrude.

I ask unanimous consent that the full statement of the court be included at an appropriate point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(Civil Action No. 76-1186)

Bernard S. Lee, Plaintiff, v. Clarence M. Kelley; Cartha DeLoach; William C. Sullivan; John P. Mohr, Executor of the Estate of Clyde A. Tolson, deceased; and Two Unknown Agents, individually and as agents of the Federal Bureau of Investigation, Defendants

(Civil Action No. 76-1186)

Southern Christian Leadership Conference, Plaintiff, v. Clarence Kelley, et al., Defendants.

UNITED STATES OF AMERICA, DEFENDANT-INTERVENOR

Jesses Helms, Counterclaimant-Intervenor v. Gerald Carmen, Administrator of the General Services Administration, General Services Building, 18th and F Streets, NW., Washington, D.C. 20405.

ORDER

Upon consideration of Senator Jesse Helms' motions for leave to intervene and for an order vacating or in the alternative modifying the order sealing records, the oppositions thereto, and the record herein, it is by the Court this 18th day of October, 1983,

Ordered that the motion of Senator Jesse Helms for leave to intervene in this action is denied, and it is

Further ordered that the motion of Senator Jesse Helms for an order vacating or in the alternative modifying the order sealing records is denied.

JOHN LEWIS SMITH, Jr.,
U.S. District Judge.

MEMORANDUM AND ORDER

Senator Jesse Helms seeks leave to intervene pursuant to Fed.R. Civ.P. 24(a)(2) in two cases decided by this Court in 1977. In *Lee v. Kelley*, No. 76-1185, and *Southern Christian Leadership Conference v. Kelley*, No. 76-1186 (D.D.C. Jan. 31, 1977), this Court ordered that tapes and transcripts generated by Federal Bureau of Investigation electronic surveillance of Dr. Martin Luther King be held under seal in the National Archives for a period of fifty years, and that the tapes or their contents not be disclosed except under specific court order. The case is currently before the Court on Senator Helms' motion to intervene and his motion, under Fed.R. Civ.P. 60(b)(5), to vacate or modify the Court's 1977 order.

Senator Helms requests access to the sealed materials before the Senate considers, on October 19, 1983, legislation establishing a national holiday honoring Dr. King. Such legislation has been introduced numerous times in prior sessions of Congress. On August 2, 1983, the House of Representatives passed a King holiday bill and sent it to the Senate for consideration. More than two months later, on October 11, 1983, and barely one week before the Senate is scheduled to vote on the bill, Senator Helms filed this motion for intervention.

Fed. R. Civ. P. 24 (a)(2) provides that:

"Upon timely application anyone shall be permitted to intervene in an action: . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

Assuming that Senator Helms' motion is "timely made," *Foster v. Guerry*, 655 F. 2d 1319, 1324 (D.C. Cir 1981),¹ Fed. R. Civ. P.

¹ As noted, Senator Helms did not file this motion until one week before the scheduled Senate vote on the King legislation. Under the circumstances, see *NAACP v. New York*, 413 U.S. 345, 366 (1973), it appears to the Court that Senator Helms' motion may be untimely. See *Hodgson v. United Mine Workers*

24(a)(2) requires that the applicant show that he has an "interest relating to the property or transaction" at issue, and that disposition of the action "may as a practical matter impair or impede his ability to protect that interest." Fed. R. Civ. P. 24(a)(2). See *Donaldson v. United States*, 400 U.S. 517, 531 (1971) (applicant must assert a "significantly protectable interest"). See also *Nuesse v. Camp*, 385 F. 2d 694, 700 (D.C. Cir. 1967); *Smuck v. Hobson*, 408 F. 2d 175, 177-80 (D.C. Cir. 1969). Cf. *United States v. ATT*, supra, 642 F. 2d at 1291 (interest inquiry "in essence a question of standing to participate").

Senator Helms claims a "protectable interest" in obtaining the sealed materials because of his "constitutional duty to cast an informed vote on all matters on which he is permitted to vote" as a member of the Senate. Senator Helms contends that this is an "individual interest," relying primarily on the Court of Appeals' 1974 decision in *Kennedy v. Sampson*, 511 F.2d 430 (D.C. Cir. 1974). In that case, the Court held that an individual Senator had standing to challenge the constitutionality of a Presidential pocket veto because the veto rendered his earlier vote on the bill ineffective and deprived him of his constitutional "right to demand or participate in a vote to override the President's veto." *Id.* at 433. The Court observed that the Senator's "stake in the litigation is a quantum of his official influence upon the legislative process." *Id.* at 436. Senator Helms relies on this language to support his claim of an interest in "effectively exercising his vote."

Senator Helms, however, fails to take into account the Court of Appeals' decision in *Harrington v. Bush*, 553 F.2d 190 (D.C. Cir. 1977). In that case, a member of the House of Representatives challenged the funding and reporting provisions of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 403 et seq. (1968), claiming, *inter alia*, that the Act denied him information relevant to his interest in "consider[ing], debat[ing] [and] vot[ing] upon . . . Executive requests for appropriations for the Agency." *Id.* at 201. Furthermore, the Congressman sought the information to enable him to be a "more effective participant in the appropriations process." *Id.* at 202.

The Court held that the Congressman lacked standing to maintain the suit and narrowly limited the applicability of *Kennedy v. Sampson*. The *Kennedy* rationale does not support standing where the Congressman "relies on uncertainty due to the lack of information as the injury to his future votes." *Id.* at 211. Rather, the "concern expressed in *Kennedy* over injury to a future vote" is limited to situations where the "future vote in question [is] a constitutionally prescribed followup to the vote already cast on the same precise legislative bill." *Id.* (emphasis supplied). In view of *Harrington v. Bush*, Senator Helms' reliance on the *Kennedy* decision is misplaced; he cannot point to the past "nullified vote" necessary to invoke the *Kennedy* principle. See also *Goldwater v. Carter*, 617 F.2d 697 (D.C. Cir.) (en banc), vacated on other grounds, 444 U.S. 996 (1979).

of America, 473 F. 2d 118, 129 (D.C. Cir. 1973); *United States v. ATT*, 642 F. 2d 1285, 1294-95 (D.C. Cir. 1980). However, because "a court should be more reluctant to deny an intervention motion on grounds of timeliness if it is intervention as of right than if it is permissive intervention," *id.* at 1295, the Court will consider whether Senator Helms' application satisfies the second requirement of Fed. R. Civ. P. 24(a)(2).

Further discussion of the requirements for intervention is unnecessary. Even if it is concluded that Senator Helms asserts a sufficient "interest" for intervention purposes, and that he satisfies the other requirements of Fed.R.Civ.P. 24(a)(2), this Court must refuse his request for judicial relief. In two recent cases, *Riegel v. Federal Open Market Committee*, 656 F.2d 873 (D.C. Cir.), cert. denied 454 U.S. 1082 (1981), and *Vander Jagt v. O'Neill*, 699 F.2d 1166 (D.C. Cir.), cert. denied 52 U.S.L.W. 3263 (U.S., Oct. 4, 1983), the Court of Appeals considered the "separation of powers problems inherent" in cases where "individual members of the legislative branch," *Harrington v. Bush*, supra, 553 F.2d at 214, seek relief in federal court. In *Riegel v. Federal Open Market Committee*, the Court concluded that the standing, ripeness, and political question doctrines are incapable of "reflecting the prudential concerns raised by congressional plaintiff suits." 656 F.2d at 880-81. Consequently, the Court announced a doctrine of "circumscribed equitable discretion." In cases where the Congressional plaintiff "alleges an injury which could be substantially cured by legislative action," this standard "counsel[s] judicial restraint."

"[I]t is in these cases that the plaintiff's dispute appears to be primarily with his fellow legislators. In these circumstances, separation of powers concerns are most acute. Judges are presented . . . with the possibility of thwarting Congress' will by allowing a plaintiff to circumvent the processes of democratic decisionmaking." *Id.* at 881. See also *Vander Jagt v. O'Neill*, supra, 699 F.2d at 1168.

Senator Helms' attempt to intervene in effect represents a "dispute with his fellow legislators." In his supporting papers, Senator Helms emphasizes what he views as an inadequate factfinding process in the Senate: because the "Senate leadership waived the normal rules," "no hearings have been conducted concerning the proposed legislation in order to inform the Senators of facts either to justify or to defeat the passage of this legislation." Helms Memorandum of Points and Authorities at 5 (emphasis supplied). "No Senate committees have been charged with the responsibility to investigate Dr. King," Helms Supplemental Memorandum of Points and Authorities at 6. By intervening in this case to obtain the King surveillance materials, Senator Helms seeks to perform the investigative function of the committee hearings the Senate leadership decided to forego.²

² By noting the absence of Senate hearings on the bill, Senator Helms acknowledges the principal role of committees in exercising the investigatory powers of the Congress. See 2 U.S.C. § 192 (1977) (establishing contempt penalty for failure to testify before authorized committee); *Rules and Manual of the United States Senate* § 26.1, p. 14 (1979) (authorizing committees "by subpoena or otherwise [to require] . . . the production of . . . correspondence, books, papers, and documents") (emphasis supplied); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 505 (1975) (subcommittee subpoena power necessary for it "to do the task assigned to it by Congress"). Indeed, this Court in 1977 permitted a properly authorized committee, the House Select Committee on Assassinations, access to a limited portion of the King surveillance materials at issue here. Senator Helms, however, does not appear here on behalf of a committee authorized to consider the King legislation. Rather, he appears as an individual Senator, without Senate authorization, in what is undeniably an investigatory role. Although Congress' investigatory power is very broad, *Watkins v. United States*, 354 U.S. 178, 187 (1957), the "principle is important that disclosure of information can only be com-

It is not for this Court to review the adequacy of the deliberative process in the Senate or to question decisions of the Senate leadership. Cf. *Vander Jagt v. O'Neill*, supra, 699 F. 2d at 1176; *Metcalfe v. National Petroleum Council*, 553 F. 2d 176, 188 (D.C. Cir. 1977). To conclude otherwise would represent an "obvious intrusion by the judiciary into the legislative arena." *Riegel*, supra, 656 F. 2d at 882. Senator Helms, of course, is not prevented from entering the "legislative arena;" he can argue to the Senate that the sealed materials should be obtained and considered by a committee before a vote. In any event, the proper forum for this contention is the Senate, for "[i]t would be unwise to permit the federal courts to become a higher legislature where a Congressman who has failed to persuade his colleagues can always renew the battle." *Id.* See also *Sanchez-Espinoza v. Reagan*, 568 F. Supp. 596, 600-01 n. 5 (D.D.C. 1983); *Crockett v. Reagan*, 558 F. Supp. 893, 902-03 (D.D.C. 1982); *Moore v. United States House of Representatives*, 553 F. Supp. 267, 270-71 (D.D.C. 1982) (all applying *Riegel* equitable discretion doctrine).

In view of these considerations, the Court concludes that Senator Helms' attempt to obtain the sealed materials must be rejected. Senator Helms' application for intervention does not satisfy the "interest" requirement of Fed.R.Civ.P. 24(a)(2). More importantly, separation-of-powers principles required this Court to exercise its equitable discretion and deny relief in these circumstances. See *Vander Jagt v. O'Neill*, supra, 699 F.2d at 1177.

Accordingly, Senator Helms' motions to intervene and to vacate or modify the January 1977 order are denied.

An appropriate order follows.

JOHN LEWIS SMITH, JR.,
U.S. District Judge.

Dated: 10/18/83.

Mr. DOLE. Mr. President, my understanding is the Senator from West Virginia has been waiting to offer the next amendment.

Mr. HEINZ. The Senator from West Virginia has an understanding with the Senator from Pennsylvania.

Mr. RANDOLPH. I desire to yield to my able colleague from Pennsylvania (Mr. HEINZ) with the understanding that the time will not be taken from the consideration on the amendment.

pelled by authority of Congress, its committees or subcommittees, not solely by individual members . . ." *Exxon Corp. v. FTC*, 589 F.2d 582, 592-93 (D.C. Cir. 1978). Moreover, the Fifth Circuit refused to permit two members of the House of Representatives to intervene in a private suit and seek materials held under a protective order, on the ground that the Congressmen "failed to obtain a House Resolution or any other similar authority before they sought to intervene" in the case. *In re Beef Industry Antitrust Litigation*, 589 F.2d 786, 791 (5th Cir. 1979). *Exxon Corp.* and *In re Beef Industry* illustrate the fundamental importance attached to proper consideration and authorization of formal investigatory efforts by Members of Congress. See *Gojack v. United States*, 384 U.S. 702 (1966); *Watkins v. United States*, supra. See generally Nowak, Rotunda & Young, *Constitutional Law* 248-50 (2d ed. 1983). Senator Helms cannot simply rely on his "election to the Congress," *Exxon Corp. v. FTC*, supra, 589 F.2d at 593, as the basis for an order by this Court ordering public disclosure of sensitive materials resulting from an FBI electronic surveillance program.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I thank my friend.

The PRESIDING OFFICER. Who yields time on the bill?

Mr. HEINZ. Will the Senator yield to the Senator from Pennsylvania not to exceed 4 minutes?

Mr. DOLE. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank my friend from West Virginia for yielding prior to the consideration of the amendment.

Mr. President, I want to observe as debate on this measure winds down to its last 24 hours, that our Nation was founded by men who dreamed of a more just society, and dared to risk their lives in making that dream a reality. In each generation, America has encouraged and fostered the dreams of many, and, many have offered their lives to preserve the freedom to dream. Rarely, however, does one person articulate a vision of America so clearly that millions of his countrymen decisively act to implement it. The Rev. Martin Luther King, Jr., was such a man. His call to conscience exposed the injustice in America. His leadership of the civil rights movement swept away many visible institutions of injustice. His assassination served to remind us all that injustice remains.

In establishing a national holiday in honor of Dr. King, we do more than recognize the achievements of one man. After all, our Nation has been blessed by men and women of great achievement in science, religion, law, and commerce. The holiday will serve as a day of remembrance for all Americans, to recall the gross injustices of the past, to remind us of the challenges of the present, and to rededicate ourselves to creating a more perfect society where people are judged by ability and individual human worth and not race, sex, or creed.

Some have attempted to discredit Dr. King based on several of his statements. These are old tactics, and the general derision which has greeted these efforts signals that, indeed, our Nation has a better sense of justice and proportion than during Dr. King's lifetime.

Mr. President, I would not agree with all the solutions proposed by Dr. King to make our Nation adhere more closely to our ideals. But, in my mind, Dr. King has come to symbolize what one American can do for all Americans, that one American can inspire so many citizens to truly follow our national ideal of equality under the law. Certainly, he was able to articulate a goal of justice, a vision of freedom,

that appeals to the best instincts of our Nation.

In honoring Dr. King, we laud all those who have worked for equality and freedom; those who came before, and those who will come after.

Mr. President, I strongly urge my colleagues to vote for this legislation at the hour of 4 o'clock tomorrow. I thank my friend and colleague from West Virginia for so graciously yielding to me.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2268

(Purpose: To make the Birthday of Martin Luther King, Jr., a legal Public Holiday)

Mr. RANDOLPH. Mr. President, I ask for the immediate consideration of an amendment at the desk, No. 2268.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH) proposes an amendment numbered 2268:

Strike all after the enacting clause, and insert in lieu thereof the following:

That section 6103(a) of title 5, United States Code, is amended—

(1) by inserting immediately after the item relating to New Year's Day the following: "Birthday of Martin Luther King, Jr., January 15."

SEC. 2. The amendment made by the first section of this Act shall take effect on the first January 1 that occurs after the two-year period following the date of the enactment of this Act.

Mr. RANDOLPH. Mr. President, the substitute amendment that I have offered is intended to commemorate the memory of Martin Luther King, Jr., on the actual day of his birth.

As we know, H.R. 3706 intends to designate the third Monday in January of each year as a Federal legal holiday to honor Reverend King. It would be my intention to support the creation of such a day for Reverend King provided it is set on the day of his birth, or on the day of his death.

However, Mr. President, I cannot support a resolution to provide another Monday holiday to honor Reverend King or any other individual, however deserving he or she might be.

Reverend King was not born on the third Monday in 1929. He was born on Tuesday, January 15.

If we are to honor Reverend King, why do it on an arbitrary Monday instead of the actual day of his birth? It is no historical meaning to have it on a Monday.

The saga of Monday holidays began in 1968. At that time there was a strong initiative to create a special Monday observance for Federal holidays. Special Monday holidays were established for George Washington's birthday, Memorial Day, Columbus Day, and Veterans Day as a result of the enactment of Public Law 90-363.

Mr. President, it is my strong belief that we, in the Congress of the United States made a mistake by creating new Monday holidays. America has a heritage that is important and it must be maintained. It was for convenience sake that the Monday holiday were created.

Mr. SYMMS. Will my good friend from West Virginia yield on that point?

Mr. RANDOLPH. I will be glad to yield.

Mr. SYMMS. As the Senator knows, I have the privilege of chairing the subcommittee that you chaired during your years in the Senate. Each year in the Senate Transportation Committee we deal with highway safety. We know from working together on that subcommittee, that the Department of Transportation presently has underway, a nationwide drive to stamp out or minimize the tragedies caused by drunken driving. Thousands of lives are lost on this Nation's highways especially on holiday weekends due to drunk driving.

Would the Senator say in his experience working with the highway system of this country that 3-day weekends contribute greatly to the number of traffic accidents related to drunken driving?

Mr. RANDOLPH. I am not sure to what degree I would want to use the word "contributed" but I have reasons to believe that what the Senator is saying is true.

Mr. SYMMS. The point I am making is, that the Senator's amendment would actually help the highway safety program of the country with respect to automobile accidents. I believe that this is something my colleagues should consider.

To celebrate the actual birthday of Dr. King the holiday would fall on a 3-day weekend, only 2 out of every 7 years. Other years, it would fall on weekdays. I think it is important that we celebrate Dr. King's birthday. And in celebrating his birthday, we do not create another 3-day weekend. Traffic safety is a side benefit of the amendment, the Senator may not have considered. It is a side benefit that makes the amendment more significant. I want to assure the Senator from West Virginia I shall vote for his amendment.

Mr. RANDOLPH. Mr. President, I appreciate the valid comment of my able colleague from Idaho.

I have been saying, as you heard, that I think America has a heritage. It is important that it be maintained. We cheapen the process of the recognition of an event or of an individual worthy of honoring, if we designate an arbitrary Monday.

I appreciate very much what the Senator from Idaho has added to this debate, because I am sure that the fig-

ures would show that what he has indicated would be the result.

Within a short time of enactment of the new law veterans sensed that their special day of Armistice observance had lost much of its significance, and Armistice day became a day of holiday convenience in November.

Strong efforts by veterans and their service organizations resulted in legislation in the 94th Congress to return Veterans Day to its original date of November 11. As a cosponsor of that proposal it was my privilege to work with our Nation's veterans organizations and other groups to seek its passage. Effective help of all those involved gave us Public Law 94-97. The first observance of the restored date was in 1978.

Mr. President, on February 7, 1981, I introduced Senate 447, which was intended to return the three remaining Monday holidays to their original date of observance—George Washington's Birthday would have been returned to February 22; Memorial Day to May 30; and Columbus Day to October 12. Unfortunately, no action was transpired before the 97th Congress had adjourned.

During the current 98th Congress, I reintroduced this legislation as Senate 71. The bill continues to be pending before the Judiciary Committee. I am gratified to have my very able colleague from West Virginia, the minority leader of the Senate, Senator BYRD, and Senator GOLDWATER, as cosponsors of the bill, S. 71. I am very, very gratified to say that this amendment has the support of the Veterans' organizations, including the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars.

National holidays, understandably, honor special people and events. The Monday holidays have altered and cheapened the history, the tradition, and the commemoration that was intended by the establishment of these special days.

June 20, 1863, is one of the most important dates in the history of West Virginia. On that date, President Lincoln's proclamation creating the 35th State of the Union became effective.

Why is this significant in a discussion of the type I am making? Because June 20 is an annual day set aside in West Virginia to recognize and to celebrate our statehood. The date we commemorate is the actual day of June 20, whatever the day of the week that it would fall upon in a certain year.

I am no novice here in the Senate or in the House, having now served almost 40 years on this historic hill. I am under no illusion at this time that I can change the minds—I sometimes can change the hearts—of those who support H.R. 3706 in its present third Monday in January form. However I emphasize—and I reemphasize—that many proponents of the proposal had

supported and indeed introduced legislation to honor Reverend King on the actual day of his birth on January 15. Let us not forget that, Mr. President.

I am not against 3-day weekends. These weekends can be preserved. But, let us not use our Nation's most important days as the vehicle of convenience. These special weekends could be called workers holidays. I would not be against them.

Certainly America has a heritage—I reemphasize for the third time—that is important and it should be maintained on Capitol Hill and in the Senate of the United States.

I have studied the debate in the House of Representatives. I have read much of what others have had to say about H.R. 3706 and the establishment of the third Monday in January of each year as Martin Luther King's birthday. Much has been spoken of the cost and the disruption that would be caused if the King holiday were to be established, believe it or not, on the actual day of his birth.

I ask my colleagues this question: Are we trying to honor Reverend King to save money or to express tribute to him for his accomplishments in the United States of America with an influence perhaps throughout the world?

I point out to those who are concerned about the cost, if we were to actually honor Reverend King on January 15, every few years the day would fall on Saturday or Sunday and the cost, of course, would be saved.

I am confident that the present proposal, H.R. 3706, will be approved. But I assure those who share my views that I shall continue to work for the enactment of my proposal, which has been pending now for 6 years, to return the remaining Monday holidays to their actual or original date of observance.

Mr. President, this is a postscript, perhaps. But I remember when I offered the 26th constitutional amendment the last of our amendments. This was in 1942, when I was a Member of the House. What did I desire to do? I desired to give the right and the responsibility to the 18-, 19-, and 20-year-old youth of this country to vote in this Nation. When did it happen? It did not happen then. It happened 30 years later, in 1972.

I do not know if I can stick around 30 more years—of course, I shall not have the opportunity—until something happens in connection with this proposal.

I remember very well that I offered, and it was passed in 1946, a bill for the creation of the national air museum, which was appropriately called the National Air and Space Museum when we actually opened the doors to that great museum. Incidentally, it was opened on July 4, 1976, 30 years after I offered the legislation. We can now

report to the Senate and to the United States of America that since that date of July 4, 1976, until last week, more than 66 million individuals, fathers, mothers, sons, and daughters, have visited that museum.

Today I have now been given a hearing on my holiday proposal. Although not all Senators are at their desks at this time. My colleagues get a little upset at me because I think we should vote from our desks but I shall continue to make that effort here in the Senate, because it is my belief that is what we should do. We should not vote in the well of the Senate and make it look as if a hockey game was in progress in the Chamber. But I am never upset at my colleagues. I want you to know that, Mr. President. I say that with a feeling of affection and understanding for all those who serve in this body.

Mr. President, I speak now, and I have a right to say this, to not only the Senators who will vote on this amendment, but I counsel with all who are in the galleries at this time. I hope that they believe with me that the day to celebrate, the day to honor either an individual or to commemorate an event, should be something that is meaningful. We cheapen the process, the legislative process, when we do what is intended now in setting aside another Monday for the commemoration of a man whom I would like to honor and will vote to honor if it is on his birthday. I will not vote for the bill if it does not include this amendment.

Mr. President, before yielding, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. RANDOLPH. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I appreciate the statement of the distinguished Senator from West Virginia. As he knows, as originally introduced, the bill would have commemorated Dr. King's birthday on the actual date of his birth.

In response to concerns about the cost, the House adopted an amendment to designate the third Monday of January as a holiday. Obviously, the date could be changed. I think there are some considerations as to whether or not that would mean a House-Senate conference, but maybe that could be worked out. It may mean additional debate, but that is probably not unprecedented in this body or the other body. But by having it on Monday, it is consistent with the Monday holiday law. Even though the Senator from West Virginia stated a

number of reasons why we should not adhere to that, we do try to provide for uniform annual observances on Mondays. Three-day holidays increase the opportunities for families to be together, particularly those separated by great distances. Three-day weekends also increase opportunities to travel to historic sites associated with the holiday or to participate in whatever activities there may be on a national or local level.

We are also led to believe that there might be less absenteeism as far as Federal employees are concerned. If the holiday were on a Tuesday or Thursday, employees might tend to take the preceding Monday or following Friday off.

Plus, the commercial aspects. I presume they could be ignored but I doubt that they will be ignored.

Finally, the bill that we have before us may not be perfect. The Senator from West Virginia just indicated that without this amendment he cannot vote for the final package. It does enjoy wide bipartisan support.

I do not quarrel with the Senator from West Virginia, but it seems to me that this amendment, according to staff and others who have checked it, could increase the cost. I would hope we might change in some the support for this bill, whether or not we are really serious about this, whether or not we are going to go to conference and go through the same procedure we have gone through thus far to get it to this point on the legislative agenda.

For those reasons, I respectfully oppose the amendment.

Mr. RANDOLPH. Will my colleague yield?

Mr. DOLE. Yes.

Mr. RANDOLPH. Did not my colleague vote to change Veterans Day from a Monday back to November 11?

Mr. DOLE. I may have. I will have to check the record, but I think I may have.

Mr. RANDOLPH. As you may recall, on March 13, 1975, the Senate voted unanimously to return Veterans Day to November 11 of each year.

Mr. DOLE. Well, the Senator has already checked the record.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. DOLE. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all I want to commend the Senator from West Virginia for his persistence and continuity in attempting to adjust national holidays so that they would be more relevant to the causes and individuals for which they have been so named. I know of the very significant work the Senator has done in this regard and I commend him for it.

I am a principal sponsor of this particular legislation on Martin Luther

King's holiday, with the Senator from Maryland (Senator MATHIAS), who is the initial sponsor in this Congress. He and I have introduced the legislation consistently during the last eight Congresses.

In that legislation which has been introduced, we have actually named the date, January 15, as incorporated in the Randolph amendment. So it is extremely difficult for one, as myself, who believes that that might be the most appropriate way to honor his memory, to ask our colleagues not to support the Randolph amendment today. I do so, Mr. President, purely out of the practical reasons that I believe the best way that we can get a holiday, a national holiday, is to be willing to accept the action of the House of Representatives, which does designate a special day to honor Dr. Martin Luther King, Jr.

I, as my colleague, Senator DOLE, feel that we have had a long and difficult struggle to get to this particular point and we know that there are forces, which I think we have seen here, in the U.S. Senate today and other times, that are strongly committed to frustrating any such recognition.

I, for one, believe, for the reasons that have been stated by Senator DOLE and others, the 3-day weekend will give a chance for individuals and families to take the time to participate in the appropriate services or ceremonies which best capture the spirit of Dr. King and his ideals, and that we should continue the efforts to see that the House bill is passed by the Senate without amendment and then signed into law.

Mr. President, I express to the Senator from West Virginia my continued esteem for his interest in this issue. I want also to commend him for his fairness in dealing with this issue. He raised this issue among our Democratic colleagues in the caucus some weeks ago, and indicated what steps he would take. He put all of us on notice and reviewed with us his past history on this type of amendment. I think all of us are very mindful of the efforts he has made in the past.

Mr. President, it is with a good deal of reluctance that I stand to oppose his position, but I think it is absolutely imperative if we are going to see a day, I think it is imperative that we pass this bill without amendment. For those reasons, I hope that the amendment of the Senator from West Virginia will not be accepted.

Mr. RANDOLPH. Mr. President, may I inquire how much more time I have?

The PRESIDING OFFICER. One minute remains.

Mr. RANDOLPH. Mr. President, I have listened very carefully to my colleague from Massachusetts. I commend him and Senator MATHIAS for

sponsoring legislation stating that it should be on the birthday of Martin Luther King that we should honor him by action here, in Congress. I am sorry he left the earlier position which he had of January 15 to accommodate an action taken in the House of Representatives.

I want to be very careful in what I say. There are many times when I have heard my able colleague commit himself to action in the Senate in opposition to action taken in the other body. Over and over again, I have heard him speak for the Senate to act rather than to do what the House had done on a specific bill, or even an amendment. That is said in good understanding.

I just hope—I have a fervent hope—that Senators will forget that they are accommodating the Senate with the House this afternoon and do what is right here, in the Senate. That is no reflection on the disagreement between us.

The naming of a day for an event that has historic meaning for a citizen who has contributed that which causes us to wish to honor him is something that, it occurs to me, we should honor that event or that individual on the day that the event took place or that the individual was born.

Mr. President, I ask, do we have the yeas and nays on my amendment?

The PRESIDING OFFICER (Mr. SPECTER). The yeas and nays have been ordered.

Mr. DOLE. Mr. President, how much time remains in opposition?

The PRESIDING OFFICER. Twenty one minutes remain.

Mr. DOLE. Mr. President, I think the argument has been made. Again, it is not a quarrel with the Senator from West Virginia. I think the Senator from Kansas sponsored legislation in the late seventies with my former distinguished colleague, Senator Brooke of Massachusetts, which would have celebrated this day on the birth date. I think for the reasons stated, I hope the amendment might be defeated.

I am prepared to yield back the time in opposition, Mr. President.

Mr. RANDOLPH. Mr. President, I yield back the time remaining on the amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from West Virginia (Mr. RANDOLPH). The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY), is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado

(Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 23, nays 71—as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—23

| | | |
|-----------|-----------|----------|
| Armstrong | Goldwater | Quayle |
| Baucus | Hatch | Randolph |
| Bingaman | Heflin | Rudman |
| Byrd | Long | Simpson |
| Chiles | Matsunaga | Specter |
| Cohen | Melcher | Symms |
| DeConcini | Nunn | Wallop |
| Garn | Pressler | |

NAYS—71

| | | |
|-------------|------------|-----------|
| Abdnor | Glenn | Mitchell |
| Andrews | Gorton | Moynihan |
| Baker | Grassley | Murkowski |
| Bentsen | Hatfield | Nickles |
| Biden | Hawkins | Packwood |
| Boren | Hecht | Pell |
| Boschwitz | Heinz | Percy |
| Bradley | Helms | Proxmire |
| Bumpers | Huddleston | Pryor |
| Burdick | Inouye | Riegle |
| Chafee | Jepsen | Roth |
| Cochran | Johnston | Sarbanes |
| Cranston | Kassebaum | Stafford |
| D'Amato | Kasten | Stennis |
| Danforth | Kennedy | Stevens |
| Denton | Lautenberg | Thurmond |
| Dixon | Laxalt | Tower |
| Dole | Leahy | Trible |
| Domenici | Levin | Tsongas |
| Durenberger | Lugar | Warner |
| Eagleton | Mathias | Weicker |
| Evans | Mattingly | Wilson |
| Exon | McClure | Zorinsky |
| Ford | Metzenbaum | |

ANSWERED "PRESENT"—1

East

NOT VOTING—5

| | | |
|------|----------|--------|
| Dodd | Hollings | Sasser |
| Hart | Humphrey | |

So the amendment (No. 2268) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. (Mr. COCHRAN). The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

All Senators please clear the well so that the Senator from Kansas may be heard.

Mr. BAKER. Mr. President, will the Senator from Kansas yield to me a moment?

Mr. DOLE. I yield.

Mr. BAKER. I thank the Senator.

Mr. President, I conferred with the minority leader a few moments ago on the subject of the schedule of the Senate the remainder of this day.

Let me repeat to Members representations that I made to him.

Since we have a time for final passage tomorrow at 4 p.m., I would not be inclined to ask the Senate to stay longer than is necessary today to make sure that all Senators who wish to offer amendments before 4 p.m. tomorrow or to debate have ample opportunity.

I plan to ask the Senate then to recess over at about 6 p.m. unless there is some urgent reason to ask the Senate to remain longer.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS AND RESUMPTION OF CONSIDERATION OF H.R. 3706 TOMORROW

Mr. BAKER. Mr. President on tomorrow, after the recognition of the two leaders under the standing order, I ask unanimous consent that any time remaining until 10 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each and that at the hour of 10 a.m. the Senate resume consideration of H.R. 3706.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the Senator from Kansas, and once again I expect the Senate will be in until about 6 p.m. tonight, and I do expect there will be at least one more rollcall vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, there has not been any order established, but the Senator from Oklahoma asked earlier if he might be recognized to offer an amendment.

Does the Senator from Nebraska have an amendment?

Mr. EXON. Mr. President, the Senator from Nebraska has an amendment that he has been trying to offer for some time. I have been trying to take my turn and am hoping to get it in.

If there is no particular order, some Senators know I have been trying to offer this amendment. I am prepared to offer it. I would certainly agree to a time limit agreement. I think it is not going to take a lot of time. I would be willing to vote on it in the next 15 or 20 minutes.

Mr. DOLE. All right.

Would 10 minutes on each side be agreeable?

Mr. EXON. It is perfectly agreeable.

Mr. President, I so ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2331

(Purpose: To make the birthday of Martin Luther King, Jr., a national holiday each January 15)

Mr. EXON. Mr. President, I send an amendment to the desk in the form of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. Exon) proposes an amendment numbered 2331.

Strike out all after the enacting clause and insert in lieu thereof the following: That January 15 of each year is designated as "Martin Luther King, Jr.'s Birthday", and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. EXON. Mr. President, the amendment in the form of a substitute that I am offering is a very simple, straightforward amendment, and I suspect that probably it expresses the wishes of at least some of us in the Senate.

Mr. President, what this basically does is to set January 15, the birthday of Martin Luther King, as a day of remembrance and salute to him for his great leadership. It does not have anything to do with a national holiday, per se.

Mr. President, it is with the deepest respect and admiration for Dr. Martin Luther King that I rise to offer this amendment.

It is my sincere belief that Dr. King should be remembered as one of the greatest leaders of our time. He sacrificed greatly for his country. He worked to bring about an America that could be free of racial hate and prejudice. He worked to bring about an America that would guarantee equal rights to all people.

His vision for an America as it should be is shared by millions of Americans including this Senator. Thank God, America is moving closer to the realization of that vision.

Some of the injustices Dr. King addressed through his ministry and his activities have fortunately been righted; many sadly still remain. I am hopeful that the memory of Dr. King will be inspired and will continue to inspire all Americans to pursue the dream of Dr. Martin Luther King.

Mr. President, our Nation now faces a new and serious crisis. Our Nation is in the midst of great economic turmoil. This year's Federal deficit will reach the unprecedented level of \$207 billion. The Nation's unemployment rate continues to be excessively high; and unemployment for Black Americans remains at a shamefully high level.

American industry must compete with highly efficient and productive

foreign producers. And in this time of severe hardship, millions of Americans are finding that services once provided by the Government are now being cut.

It is my feeling that in this time of great economic crisis our Nation cannot afford a paid holiday for Federal workers, and also the number of people who will have one more day off in the private sector if we take the action that is proposed in the bill before us.

It is the overwhelming feeling of those constituents that I represent that another paid holiday is simply a luxury that we cannot afford at this time. As I mentioned earlier today, now is the time for America to get to work and not a time to be planning another day off. As our constituents are asked to make sacrifices, so should all of us on Federal employment. Now is not a time to give ourselves another day off. At the same time, now is the time to remember Dr. Martin Luther King.

The amendment I now offer meets both of these competing interests. It recognizes and honors the special work of Dr. King without the cost of a paid day off. My amendment would permanently designate January 15, Martin Luther King's birthday, as a national day of observance.

It would also request the President issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

This special recognition would not involve the expense of a paid holiday for Federal workers and still preserve the memory and honor of the late Dr. Martin Luther King, Jr. The simpler recognition is given to Thomas Jefferson on the day of his birth, Mother's Day, Father's Day, Flag Day, along with several others.

I therefore ask my colleagues to consider our economic condition, and I ask them to join in this effort to permanently recognize the valuable and important work of Dr. King but in a dignified and special way that will not harm the economic conditions of this Nation.

Mr. President, I reserve the remainder of my time.

Mr. NICKLES. Will the Senator yield to the Senator from Oklahoma?

Mr. EXON. I yield whatever time is necessary.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I ask unanimous consent to be made a cosponsor of his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I say to the manager of the bill so that he might be advised that the amendment of the Senator from Nebraska is identical to an amendment that the Senator from Oklahoma was going to offer.

Therefore, I will not offer it. Instead, I am delighted to join my friend from Nebraska as a cosponsor of his amendment.

It is certainly evident to all of us that Martin Luther King, Jr.'s contribution to America is one which has profoundly affected every citizen of this Nation. He understood that equal treatment of all persons was the single theme framed by our forebearers that is most responsible for the greatness of our country. He knew that the extent to which that founding principle of equality is either exalted or debased would determine the future not only of black Americans, but of all Americans.

The era of prejudice in American history which Dr. King rose to fight is one of the most regrettable in our country's short lifespan. The inexcusable acts of bigotry and hatred were widespread and despicable. The loss of human life from that period cannot be undone.

There is one loss, however, which can be undone. That is the loss of self-respect we experienced as a nation over the periodic institutionalization of prejudice and hatred. It is, in fact, a loss we are still experiencing. A sense of outrage and shock returns when, through a movie like "Roots," we relive this epic of our history. Our children who, thankfully, live in a different world, feel this shock when in one history lesson, they learn that America was founded upon the premise that "All men are created equal," only to learn in the next lesson that Americans were lynched, shot, and beaten simply because their skin was not white. The belief that America is unique in all the world becomes tarnished when seen in the light of this period of history. A certain pride and self-respect for our country is diminished. Although we cannot undo the sins of the past, we can insure that all remnants of inequality are scourged from the books. Thankfully, that is the next lesson that our children can read in their history books. It is one that is ongoing.

That is what a day in honor of Martin Luther King, Jr., is all about. It is 1 mile in the journey back to our roots of equality, back to self-respect, and pride as a country. By paying homage to the man whose vision we now share, we celebrate the victory of his movement and his dream. The question before us today, then, is not whether to pay homage, but how to pay homage.

Self-respect as a Nation is made up of many things, one of which is fiscal responsibility. In this area, public confidence is also sorely lacking. People wonder why, when they learned the lesson of living within their means at 12 years of age with a 25-cent allowance, Congress cannot do the same. With every year that the deficit grows,

a certain national self-respect is diminished and cynicism is strengthened.

Now I know that there are some who think that it is somehow immoral to speak of the cost of establishing an additional paid holiday when talking about honoring Dr. King. We are told to "go back to our calculators and estimate the cost of 300 years of slavery." Well, the simple fact is that there is no comparison. No price can be placed on what discrimination cost this country. We cannot repay Dr. King with Federal holidays. What we can do is honor this man in a way that uplifts him and his dream, without creating further cause for the erosion of national pride by expanding the deficit.

The bill before us today, H.R. 3706, would not just designate a day in honor of Dr. King, but would create an additional paid holiday for Federal employees. It is important that persons know that this is not a national holiday as such. It is a Federal paid holiday. The 2.1 million Federal employees would receive a payday for not working. Yet, I imagine that, by and large, the great majority of Americans would continue to work on January 15 or the third Monday of each year. Total Federal costs for a Federal holiday are \$210 million in lost productivity and \$25 million in overtime pay. The cost of the holiday at Tinker Air Force Base in Oklahoma alone is estimated to be \$1½ million. In addition to the fiscal costs, an additional Federal holiday would disrupt a number of significant public services, such as postal operations which would be totally shut down. Non-Federal expense is hard to estimate but could easily reach into the billions. National banks are mandated by law to close on Federal paid holidays. This, coupled with the closing of other public services, will further disrupt the economy and add to the non-Federal expenses of the holiday.

I hope the Senate will support the amendment which I intended to offer and of which I now am a cosponsor. It fulfills two very important goals. First, Congress would be paying tribute to a great American, one who had the courage and conviction to speak out against discrimination. As I said earlier, I believe this is important not only for black Americans, but for all Americans. Second, Congress would be fulfilling its fiscal responsibilities. We would be recognizing Dr. King without further indebting this government. And finally, we would be honoring Dr. King in a way that all Americans could participate in equally.

The amendment designates January 15 each year as Martin Luther King, Jr.'s birthday. The President of the United States would be authorized and requested to issue a proclamation each year calling upon Americans to observe the day with appropriate pro-

grams, ceremonies, and activities. In short, the amendment would establish a national day of recognition in honor of Dr. King without making it a Federal holiday. I think that this is what the majority of Americans would like to do. They would like to pay tribute to Dr. Martin Luther King. But we do not enhance that tribute by giving Federal employees a paid day off.

I hope that you will join the Senator from Nebraska and me in supporting this amendment. Let us work toward the return of national self-respect in two ways, by lifting up the legacy of Dr. King and his dream and by doing so in a way that shows fiscal restraint and responsibility. The man we honor today lived with the single goal of lifting burdens, not creating them. It is only right that his commemoration reflect that spirit.

Mr. DOLE. Mr. President, how much time remains for the amendment?

The PRESIDING OFFICER. 1 minute and 45 seconds.

Mr. DOLE. Mr. President, I know there are other Members who are going to speak. I have been designated by my distinguished chairman, Senator THURMOND, and I think in the interests of time for the reasons stated a number of times on the Senate floor with regard to the WSL issue and other issues raised by the amendments proposals that I will just rely on what has already been stated for the record and ask that the amendment not be adopted.

There is no doubt that both Senators have expressed the concerns of many people in their States and other States with reference to the costs, but I would not want to get this \$200 million or whatever the cost might be confused with the Federal debt or the deficit. We are talking about \$2.5 trillion if we do not do something in the next 30, 40 days in the Congress. I am certain that the costs of this bill will be added to that deficit, as will the costs of a number of other amendments to bills that are going through the Senate, and there will be a lot of millions, and maybe a few billions at least attempted to be added. But the cost is a factor and it ought to be considered, and I certainly appreciate the concerns expressed by the Senator from Nebraska and the Senator from Oklahoma.

But again this bill does enjoy overwhelming bipartisan support. It has been debated. I am one of those who frankly felt we should have held hearings and could have discussed all these different alternatives but that was not a judgment the Senator from Kansas made. The hearings have not been held recently, and have not been held in this Congress.

I would therefore yield the remainder of my time to the Senator from Massachusetts.

Mr. TSONGAS. I thank the Senator from Kansas. Let me begin by acknowledging the fine work done by a number of the Members of the Senate but particularly my colleague from Massachusetts, Senator KENNEDY, who has been in the forefront of this issue long before I ever came to the Senate, and finally tomorrow we will see his efforts and those of a number of other people brought to fruition.

Mr. President, I rise today to support the legislation to designate the third Monday of each January as a Federal holiday commemorating the birth of Dr. Martin Luther King, Jr. This legislation, long overdue, is a monument to the achievements of Dr. King and to the belief that peace, justice, and equality are the foundations of the American dream; the dream Dr. King lived and died for.

I am appalled that the opponents of this legislation have attempted to belittle this debate by repeating unsubstantiated allegations on Dr. King's affiliations with members of the Communist Party. The suggestion that there is new and revealing information in the FBI files on Dr. King is ludicrous and represents a side of our history of which none of us can be proud. The attempts of the FBI and its Director, to discredit Dr. King and thus the Civil Rights Movement, failed in the 1960's and I assure you, similar efforts will fail again today.

The FBI files have been reviewed time and time again without substantiation of suggestions that Dr. King was a Communist or that he was unduly influenced by members of the Communist Party. The bipartisan Select Committee on Assassinations reviewed all of the FBI files on Dr. King and in its findings reported:

In October 1962, the FBI opened its security investigation of the SCLC and its president, Dr. King. The investigation was authorized by the Attorney General. The initial purpose of the investigation was to examine what if any, Communist influence existed in the SCLC. The committee concurred with the 1977 Justice Department study in its conclusion that no evidence existed that Dr. King was a Communist or ever was affiliated with the Communist Party; that the SCLC under Dr. King was ever anything other than an organization devoted to civil rights; that Dr. King's alleged Communist advisors never "sold" Dr. King any course of action that could be identified as Communist; and that the security investigation should have been terminated shortly after it commenced.

The report goes on to say:

In August 1963, the Domestic Intelligence Division completed a synopsis of the Communist Party's effort to exploit the American Negro. It concluded that while the party has expended enormous effort and resources to influence and control Black Americans, it had been largely unsuccessful. In sworn testimony before the committee, agents from the Domestic Intelligence Division insisted that their conclusion of insignificant infiltration into the civil rights

movement reflected their professional judgment then as well as in 1978.

Five of the members of that committee continue to serve in the House of Representatives. All of them, with full knowledge of the FBI investigation of Dr. King, voted in favor of this legislation. Another Member now serves in this body and is a cosponsor of this legislation. I think it is time, Mr. President, to put these petty and mean-spirited allegations behind us and accept the findings of the Assassinations Committee, the Justice Department, and other congressional committees that have examined this question.

Twenty years ago, Dr. King led a quarter of a million people to the Washington Monument and this Nation began to examine the disparities and inequities existing in our land. We were challenged by a prophet of a nonviolence to declare war on the injustices of our system. The prophet was silenced by an assassin's bullet, but his dreams live on. We are a better people because of his leadership. We have a unique opportunity to set aside one special day to honor and embrace his ambitions and dreams while reminding ourselves of the work yet to be done.

The Civil Rights Act, the Voting Rights Act, the end of discrimination in the use of public facilities are but a few of Dr. King's legacies to us. But discrimination continues to surface in our Nation. Blacks are prevented from registering to vote in certain parts of the country. Members of the entertainment community recently testified before a House subcommittee on the lack of job opportunities for minorities in their industry. They expressed concern for the negative and inaccurate portrayals of minorities in television and motion pictures. There are communities surrounding the Nation's Capital where synagogues have been desecrated and crosses have been burned. Indeed, there is work to be done.

I realize, Mr. President, that we cannot legislate what people think or believe but we can designate this day as a symbol of what is just and right and what we believe our Nation can be. The cost of an additional Federal holiday is irrelevant when compared to the exorbitant price of racial and ethnic discrimination. We are a poorer people while this exists in our country.

I have had the privilege of cosponsoring this legislation every year I have served in the Congress. Since Dr. King's death, 16 States, the District of Columbia, and Virgin Islands have recognized his birthday as a legal holiday. Dr. King dreamed of a nation where his children would be judged, not by the color of their skin, but the content of their character. This Nation's true character is revealed in the persons we honor and the philosophies we em-

brace. I believe it is time for the Senate to act favorably on this measure and forever commit to our history the member of Dr. Martin Luther King, Jr.

Finally, I think, Mr. President, that events like this are important so that those who observe them can have a pretty good understanding of how progress is made in this country, that there are ideas and symbols whose time has come, and this is one, and if the people wonder why progress is so difficult, they should observe the action of the Senate and those who fight bitterly to hold back to a different past.

That past is over. Dr. King is as much a part of what the Nation stands for as anyone who has lived in this country, and I hope that the resounding victory which I am sure will come tomorrow will say to one and all that that era of nonrecognition of trying to go back to an era that I do not think was so bright in this country that all of that is over and we march on hopefully in much more harmonious fashion.

I am proud to have been in the Senate when this is passed and I hope other Senates in the future will look back on this as a very vital addition of our time.

As far as I know, Mr. President—how much time is left on behalf of those in opposition?

The PRESIDING OFFICER. There are 5 minutes 20 seconds remaining.

Mr. TSONGAS. I reserve the remainder of my time and yield back to the proponents.

Mr. EXON. Since I am controlling time on this side, may I ask what do we have, a minute and a half?

The PRESIDING OFFICER. One minute and 40 seconds.

Mr. EXON. Mr. President, I think probably there is no need to carry out debate any further on this.

In winding up the proponents' side of this amendment, I think we have stated our case very well. We agree that Dr. Martin Luther King was a great American. We agree that Dr. Martin Luther King did more than anyone else to eliminate bigotry in this country.

But why is it that we cannot honor him with a special day, as we do Flag Day, Mother's Day, Father's Day, and Thomas Jefferson's Birthday? Why is it that we insist on giving people time off to honor someone?

I think this is the wrong time to take this kind of an action. I hope that when my colleagues come to vote they will recognize that the amendment that has been offered and is now before us is obviously the best way to solve this problem that now confronts us.

I reserve the balance of my time.

May I ask if the opponents are ready to yield back their time? If so, I am ready to yield back my time.

Mr. TSONGAS. I think I am willing to risk it in this case. I am prepared to yield back the balance of my time.

Mr. EXON. I yield back the balance of my time, but before doing so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing on the amendment of the Senator from Nebraska (Mr. EXON). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. HELMS (after voting in the affirmative). Present.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 24, nays 69, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—24

| | | |
|-----------|-----------|----------|
| Abdnor | Hatch | Pressler |
| Armstrong | Hecht | Quayle |
| Cohen | Jepsen | Simpson |
| Denton | Kasten | Stennis |
| Exon | McClure | Symms |
| Garn | Melcher | Tower |
| Goldwater | Murkowski | Wallop |
| Grassley | Nickles | Zorinsky |

NAYS—69

| | | |
|-------------|------------|------------|
| Andrews | Eagleton | Metzenbaum |
| Baker | Evans | Mitchell |
| Baucus | Ford | Moynihan |
| Bentsen | Glenn | Nunn |
| Biden | Gorton | Packwood |
| Bingaman | Hatfield | Pell |
| Boren | Hawkins | Percy |
| Boschwitz | Heflin | Proxmire |
| Bradley | Heinz | Pryor |
| Bumpers | Huddleston | Randolph |
| Burdick | Inouye | Riegle |
| Byrd | Johnston | Roth |
| Chafee | Kassebaum | Rudman |
| Chiles | Kennedy | Sarbanes |
| Cochran | Lautenberg | Specter |
| Cranston | Laxalt | Stafford |
| D'Amato | Leahy | Stevens |
| Danforth | Levin | Thurmond |
| DeConcini | Long | Trible |
| Dixon | Lugar | Tsongas |
| Dole | Mathias | Warner |
| Domenici | Matsunaga | Weicker |
| Durenberger | Mattingly | Wilson |

ANSWERED "PRESENT"—2

| | |
|------|-------|
| East | Helms |
|------|-------|

NOT VOTING—5

| | | |
|------|----------|--------|
| Dodd | Hollings | Sasser |
| Hart | Humphrey | |

So the amendment (No. 2331) was rejected.

Mr. DOLE. I move to reconsider the vote by which the amendment was rejected.

Mr. MELCHER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, we have additional amendments listed. If any Senators have amendments to offer, we shall be happy to entertain those amendments. Senator HUMPHREY indicated he has two amendments, but he is not here today. Senator HELMS has a couple of amendments, Senator GRASSLEY may have an amendment, and Senator WILSON may have an amendment. I hope we may have one more vote before the suggested adjournment time of 6 p.m. I think Senator WILSON might be prepared to offer his amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2332

Purpose: To obtain Senate access to Federal records on Martin Luther King, Jr.

Mr. HELMS. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2332.

Mr. HELMS. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following: SEC. . Notwithstanding any other provision of this Act, the amendment made by the first section of this Act shall not take effect unless and until the Senate adopts and carries out the following resolution:

Resolved, That the Senate Legal Counsel, on behalf of the United States Senate, in conjunction with such agencies of the United States as may be advisable, is directed to seek access, by all available legal means, including but not limited to subpoena, to the following:

(a) Any and all records, tapes, documents, files, materials, and other evidence relating in any way to Martin Luther King, Jr. in

the possession of the Department of Justice, the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency; and

(b) Any and all records, tapes, documents, files, material, and other evidence relating in any way to Martin Luther King, Jr. and sealed by order of the United States District Court for the District of Columbia, dated January 31, 1977, in the cases of *Lee v. Kelley, et al.*, Civil Action No. 76-1185, and *Southern Christian Leadership Conference v. Kelley, et al.*, Civil Action No. 76-1186; for the confidential examination of the United States Senate;

Resolved, further, That if the above items and materials are too voluminous for confidential examination by the United States Senate in a reasonable time, in the determination of the Senate Majority and Minority Leaders, a Select Committee on Martin Luther King, Jr. shall be established to summarize and present the salient portion of the material for confidential examination by the United States Senate.

Resolved, further, That after examination of and debate on the above materials, the Senate shall affirm by majority vote that it is appropriate to approve a legal public holiday in honor of Martin Luther King, Jr.

Mr. HELMS. Madam President, the vote earlier today on the motion to commit H.R. 3706 to the Judiciary Committee did not of itself directly put the issue of Senate access to the materials and evidence on Martin Luther King, Jr., currently in the possession of various agencies in the executive branch, before the Senate.

That obviously was the indirect issue but perhaps the issue was not made direct enough by virtue of the nature of a mere motion to commit.

Madam President, the pending amendment puts that issue directly before the Senate. The issue is this: Will the Senate seek to obtain and examine the materials and evidence on Dr. King currently in the possession of Federal agencies prior to passing the King holiday bill?

Now, if the Senate's answer to this question is "yes," it will do a great service to the country and to the legislative process by performing its duties responsibly and with due care. If the Senate's answer is "no," the Senate—and I say this with all due respect, Madam President—will be proceeding ostrich-like, implicitly saying do not confuse us with the facts; we have already made up our minds. In such a case it will then be plain to the American people that the Senate is not merely blissfully ignoring the facts but is also consciously and deliberately ignoring the facts.

Now, Madam President, the pending amendment conditions the taking effect of the King holiday bill on the adoption and carrying out by the Senate of the resolution which I introduced on October 7, Senate Resolution 242. Obviously, I converted it into an amendment for the purpose of today.

Madam President, as is evident from the text of the resolution and the

pending amendment, the purpose of this amendment is to obtain access for the Senate on a confidential basis to all the available evidence now in the possession of various executive agencies. In addition to the materials at the National Archives under court ordered seal for 50 years, there are also materials on Dr. King at the FBI and possibly the Justice Department and the intelligence agencies. According to certain items already made public, we do know that the Federal Bureau of Investigation has a large quantity of material on Dr. King. We do not know, however, the full extent of that material because of what little has been made public. Much has been censored under the Freedom of Information Act exemptions and much remains classified. So this Senator believes it is incumbent upon this body prior to passing this bill to get all of this material and examine it confidentially, if the Senate wishes, but in any case examine it fully and carefully before establishing a national holiday in honor of Dr. King.

Madam President, the documents in the FBI files alone consist of 65,000 items. There is a random selection from the files as released by a Freedom of Information Act request on every Senator's desk, and I presume that some Senators have bothered to look at it, maybe only a few. The individual documents are not complete, and as I said earlier they have been censored by the FBI before release. Therefore, important facts and details may in all likelihood be missing.

Moreover, I want to make it clear that no attempt was made to evaluate the files selected. The object was to show a fairly random cross-section of the files. It is precisely because they are unevaluated that I have urged the Senate to study the matter carefully. In the selection, Senators will find a range of materials. Some of them may be credible, some may not. Some would obviously be more credible if we could see the originals without the sensitive material excised. In any case, I think that the selection is comprehensive enough to demonstrate to Senators that there exist serious questions about the background of the man who would be honored by elevating him to the level of the George Washington. Taken as a whole, the collection shows that there is enough evidence, if we are looking at it purely as a problem of historical investigation, to demonstrate to any reasonable-minded person that Dr. King's key associates included Communist operatives.

Now, I heard astonishing comments on this floor denying that this is so, but, Madam President, these facts are incontrovertible. Furthermore, I have, and I shall insert in the RECORD, statements made by responsible American citizens during the 1960's about the ac-

tivities of King, including Carl Rowan, the distinguished black columnist.

Now, no Senator can say that it is not accurate to submit that Dr. King was surrounded by people with Marxist connections. They may not like the truth, but they cannot alter the truth simply by trying to shout it down. And that has happened here on this floor. Despite any theatrics by Senators who slam documents to the floor, pretending contempt, the fact is that no Senator has been willing to go through this document to say what is in error.

So, Madam President, even from the mutilated state of the files which have been released and placed on every Senator's desk, it is evident that we can see a very close relationship between Dr. King and, for example, Stanley Levison. Time after time we see Mr. Levison at Dr. King's shoulder, advising, proposing, writing his speeches. For example, let us take a look at file No. 100-5506. Most of that particular file, consisting of some 33 pages, is missing. However, there is much that is worthy of study. For example, on page 17 we read the following:

On April 11, 1967, Stanley Levison furnished Dora E. McDonald a statement he had prepared for Reverend King to incorporate into a speech he was scheduled to deliver in Los Angeles on April 12, 1967. In this statement, Levison set forth several points which he desired Reverend King utilize in his speech. These were as follows:

(1) He has lived in ghettos in Chicago and Atlanta and has traveled thousands of miles each month which has taken him into Negro communities throughout the nation; that his direct personal experience with Negroes in all walks of life has convinced him that the majority oppose the war in Viet Nam...

Madam President, it then goes on to list four points for inclusion in the speech. On page 18 of the FBI memo, we find the following:

On April 12, 1967, the "Los Angeles Herald Examiner", a major metropolitan Los Angeles newspaper, reported that on April 12, 1967, Reverend King held a news conference in conference room number seven, Biltmore Hotel, Los Angeles, regarding his views of the Viet Nam War. Reverend King stated he favored a cessation of bombing, unilateral withdrawal of troops and an end to American participation in this "unjust war."

During the aforementioned news conference, Reverend King stated in part as follows:

I have lived and worked in ghettos throughout the nation and I travel tens of thousands of miles each month which takes me into dozens of Northern and Southern Negro communities. My direct personal experience with Negroes in all walks of life convinces me that there is deep and widespread disenchantment with the war in Viet Nam...

The memo goes on, giving almost verbatim the points proposed by Mr. Levison. It shows a close, one-to-one relationship of influence, and yes manipulation. For Mr. Levison was urging

Dr. King to take positions which were further and further away from the American consensus, even among opponents of the Vietnam war. He was urging Dr. King to enunciate and proclaim what was essentially the Communist Party line.

It is well known that Dr. King's advocacy of the Communist position on Vietnam was so extreme that he was disowned not only by the mainstream liberals, but by other leaders of the civil rights movement. What we have here is a pattern of influence, a pattern of manipulation of Dr. King by a high-level Communist operative.

There are indeed, other examples of Mr. Levison's manipulation in the memorandum I have been quoting. It was with Mr. Levison, for example, that Dr. King discussed the advisability of attending a celebration of the 100th anniversary of the birth of W.E.B. DuBois, to be organized by Freedomways magazine. Freedomways is a magazine that at that time had a member of the central committee of the Communist Party on its board of directors, Hunter Pitts O'Dell, who was also Dr. King's employee.

Dr. King not only went to the celebration but also delivered an address in praise of W.E.B. DuBois, calling special attention to the fact that DuBois was a Communist, and praising him for that fact. That was Dr. King's last major address. After Dr. King's death, the theoretical journal of the Communist Party, *Political Affairs*, carried a discussion of Dr. King's acceptance of Marxism. One of the points made by the Communist Journal was this particular address. It is worthwhile to read certain paragraphs from this article:

Not six weeks before his death, and despite the staggering burden of his responsibilities as leader of the black freedom fight, Dr. King travelled a thousand miles to honor the life and work of a world-renowned Communist, Dr. W. E. B. DuBois. At the centennial celebration of that revered leader's birthday, February 23rd, sponsored by *Freedomways* magazine, he described Dr. DuBois as "a radical all his life." He chided those who "would like to ignore the fact that he was a Communist," insisting that "It is time to cease muting the fact that Dr. DuBois was a genius and chose to be a Communist."

As if consciously to make a point of the connection between Dr. DuBois being a genius and a Communist, Dr. King went out of his way to remind his listeners that "Sean O'Casey was a literary giant of the twentieth century and a Communist," and further that "Pablo Neruda is generally considered the greatest living poet though he also served in the Chilean Senate as a Communist." He went on to denounce "our irrational, obsessive anti-Communism."

That Dr. King's advanced views toward the end profoundly influenced his closest associates was evidenced in the fact that on the very morrow of his assassination, at the massive Memphis demonstration in support of the striking garbage men, his acknowledged heir and successor, Rev. Ralph D. Abernathy, declared before an audience of

50,000: "Poverty is created by capitalist society, a society that would deny food to the masses but give luxury to the classes." (My emphasis—J.F.)

From the same platform, on the same momentous occasion, the noted artist Harry Belafonte, a close friend and supporter of Dr. King, described how as a boy in Harlem he sought for leaders who could illuminate for him the road ahead, show him what the future held for a black lad with talent and imagination. He told how first he found Dr. DuBois, then Paul Robeson, "both of whom," he declared, "the system tried to silence by methods other than assassination. Now it has turned to murder." (My emphasis—J.F.)

Murder indeed! But even more ominous overtones surrounded this reference to "the system" which "turned to murder" when, just two weeks before the assassination of Senator Robert Kennedy, Drew Pearson, in his syndicated column, "Washington Merry-Go-Round," made the charge that Kennedy, while U.S. Attorney General, had "ordered a wiretap put on the phone" of Martin Luther King. Kennedy's then press spokesman, Pierre Salinger, without denying the charge, replied that the wiretap procedure was authorized only "in cases involving national security and on written request of the Federal Bureau of Investigation."

Madam President, I have mentioned this in a very brief and truncated manner, because there is much more in the way of detail, and other incidents as well. What we see is a picture of a man who is steadily moving towards more and more extreme statements and positions, statements which cannot be distinguished from the Communist Party line.

I reiterate for the purpose of emphasis that this is the kind of statement that is not popular to make, but it happens to be the truth. Not one Senator has refuted one detail. Oh, they have gotten up and shouted, and they have engaged in the theatrics of throwing papers on the floor and talking about filth, but they have not refuted one stated fact.

My distinguished colleague, the junior Senator from North Carolina, has already discussed Dr. King's climactic speech at Riverside Church, and the extremist rhetoric which it involved. The picture is one of a man coming more and more under the influence of Communist thinking. And we see from these censored documents that Stanley Levison was having more and more influence in such decisions.

In 1967, the columnist, Carl T. Rowan, observed this influence and warned against it in his writings. On April 14, 1967, Mr. Rowan wrote:

This intrigue is in the behind-the-scenes struggle of several individuals to be the dominant influence on King. Key members of the House and Senate have been told by the FBI that King is listening most to one man who is clearly more interested in embarrassing the United States than in the plight of either the Negro or the war-weary people of Vietnam.

The mystery, Negro leaders say privately, is why King assailed the United States as "the greatest purveyor of violence in the world today" and heaped on his country vir-

tually all the blame for the death and destruction in Vietnam—this despite the fact that he had been warned privately about some of his advisers and begged by other civil rights leaders not to link Vietnam to the Negro's struggle for equality.

(At a Great Neck, Long Island, meeting of civil rights leaders on March 5, King devoted much of the session to trying to get other Negroes to join him in the attack on U.S. Vietnam policy. He failed.)

Madam President, I ask unanimous consent that the entire article of March 14, 1967, by Mr. Rowan be printed in the *RECORD* at this point.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

KING STAND ON WAR HOLDS ELEMENT OF TRAGEDY

(By Carl T. Rowan)

NEW YORK.—There are elements of intrigue, mystery and racial tragedy in the attempt by the Rev. Martin Luther King to tie the civil rights struggle to the movement against U.S. policy in Vietnam. And these elements lie behind the renunciation of King's stand by several Negro leaders.

The intrigue is in the behind-the-scenes struggle of several individuals to be the dominant influence on King. Key members of the House and Senate have been told by the FBI that King is listening most to one man who is clearly more interested in embarrassing the United States than in the plight of either the Negro or the war-weary people of Vietnam.

The mystery, Negro leaders say privately, is why King assailed the United States as "the greatest purveyor of violence in the world today," and heaped on his country virtually all the blame for the death and destruction in Vietnam—this despite the fact that he had been warned privately about some of his advisers and begged by other civil rights leaders not to link Vietnam to the Negro's struggle for equality.

(At a Great Neck, Long Island, meeting of civil rights leaders on March 5, King devoted much of the session to trying to get other Negroes to join him in the attack on U.S. Vietnam policy. He failed.)

The racial tragedy is that the National Association for the Advancement of Colored People (NAACP) and Whitney Young of the National Urban League have felt compelled to denounce King's action publicly. This factionalizes the civil rights movement even more, encouraging the anti-Negro groups to rush to divide and conquer. It also will increase confusion and frustration among the Negro masses and perhaps cause them to lash out more widely and irrationally.

As a pre-eminent hero of the civil rights revolution of the last decade Nobel Prize winner King has been virtually unassailable by other Negroes. Even this week's sharp renunciation by the NAACP board did not refer to him by name although the reference was obvious.

But Negroes like Young, Roy Wilkins of the NAACP and Ralph Bunche at the United Nations have privately expressed dismay over the transformation of King from the Montgomery (Ala.) boycott leader with an uncanny knack for saying the right things into the King of today who has very little sense of, or concern for, public relations, and no tactical skill.

But King's "serious tactical mistake," as the NAACP board called it, was to suggest that the cause of justice for the Negro re-

quired a widespread boycott of military service.

King delivered a one-sided broadside about a matter on which he obviously has an abundance of indignation and a shortage of information.

Beyond that, NAACP and Urban League leaders know that civil rights is an issue where the moral imperatives are fairly obvious, and where a majority of the American people (thanks in part to King's early shrewd leadership) were developing a fairly responsible view of what had to be done. But Vietnam is a complex issue where the moral imperatives are cloudy and confused.

It is plain foolhardy for American Negroes to burden the clearcut moral issue of racial equality with the bitterly complicated controversy over war in Vietnam.

King probably has antagonized millions of Americans who have relatives in Vietnam, or who believe devoutly that our defense of the South Vietnamese is an unselfish and highly moral sacrifice. These people are likely to pepper their congressmen with anti-King (and thus anti-civil rights) messages. The result could be increased jeopardy for the proposed Civil Rights Act of 1967. Young and the NAACP spoke out to make it clear that King did not speak for the civil rights movement and that all Negroes ought not be penalized for one man's outburst.

Cynical guesses as to why King took this tack range from speculation about "bad advisors" to the assumption that the dynamic preacher can't stand being off page one and yielded to a compulsion to seize the one issue that makes headlines every day.

King tells me that his taking this stand was "simply a matter of conscience. I'm more than a civil rights leader. I'm a clergyman charged with bringing Judeo-Christian ethics to bear on the sins of our time."

The fact is, however, that King's reputation rests on his civil rights leadership, and not his preaching. Thus his Vietnam stand is likely to be costly to millions of Negroes, the very people to whose well-being King pledged his life work.

Mr. HELMS. Madam President, Mr. Rowan later expanded on this theme in a longer article in the Reader's Digest. In this article, he mentioned opposition to the direction in which Dr. King was going by almost all prominent black leaders, including Ralph Bunche, Roy Wilkins, Senator Edward Brooke, Whitney Young, and others. Mr. Rowan noted.

A recent Harris survey showed that almost one of every two Negroes believes that King is wrong—and another 27 percent reserved judgment.

Madam President, I ask unanimous consent that the Carl Rowan Reader's Digest article of September 1967 be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Reader's Digest, September 1967]

MARTIN LUTHER KING'S TRAGIC DECISION
(By Carl T. Rowan)

What has caused him to jeopardize, by his ill-advised pronouncements on Vietnam, the movement he has so ably served? Another distinguished Negro looks at the man and his motives.

On a crisp, clear evening last April 4, the Rev. Martin Luther King stood in New York City's Riverside Church and delivered the most scathing denunciation of U.S. involvement in Vietnam ever made by so prominent an American. He labeled the United States "the greatest purveyor of violence in the world today" and accused it of "cruel manipulation of the poor." He said that the people of Vietnam "watch as we poison their water, as we kill a million acres of their crops."

He stated the U.S. troops "may have killed a million South Vietnamese civilians—mostly children." He said that American soldiers "test out our latest weapons" on the peasants of South Vietnam "just as the Germans tested out new medicine and new tortures in the concentration camps of Europe." He accused President Johnson of lying about peace overtures from Hanoi, and urged Americans to become "conscientious objectors."

Reaction across the nation and around the world was immediate and explosive. Radios Moscow and Peking picked up King's words and spread them to distant capitals. In the White House, a Presidential aide shouted, "My God, King has given a speech on Vietnam that goes right down the commie line!" President Johnson, reading the wire-service reports, flushed with anger.

Civil-rights leaders wrung their hands and began to plan steps to take the already splintered movement for Negro equality out from under the onus of King's broadside. Such prominent Negroes as Roy Wilkins, executive director of the National Association for the Advancement of Colored People, Ralph Bunche, Nobel Prize-winning United Nations under-secretary, and Sen. Edward Brooke disagreed publicly with King. The directors of Freedom House called the program that King advocated "demagogic and irresponsible in its attack on our government." The Washington Post, long a supporter of King, said, "Dr. King has done a grave injury to the great struggle to remove ancient abuses from our public life. He has diminished his usefulness to his cause, to his country and to his people."

What sort of person is this man who has been awarded a Nobel Peace Prize and denounced as a knave, all within three years? What do Martin Luther King and his recent actions mean to the nation and to the searing disputes that now rend the civil-rights movement?

SIRIED BY FIGHTERS

To understand King's unique position in American life, we must go back to January 15, 1929, when Martin Luther King, Jr., was born in a comfortable 13-room house in Atlanta, Ga. His father and his maternal grandfather, the Rev. A. D. Williams, had become, via Ebenezer Baptist Church, two of the great preachers of the South.

By the time "Little Mike" was six (when his father changed both their names to that of the leader of the Protestant Reformation), he was well aware of the racial struggle around him. Grandfather Williams had been an early leader of Georgia's chapter of the NAACP. His father fought for equal salaries for Negro teachers and to abolish the Jim Crow elevators in the Atlanta courthouse. And young Martin soon knew at firsthand the hurt and humiliation of discrimination. He has recalled as one of his angriest hours a bus ride from Macon to Atlanta, when a bus driver called him and his teacher "black sons of bitches" because they

were slow in surrendering their seats to white passengers.

A bright, sensitive student, King entered Atlanta's Morehouse College at 15, toying with the notion of becoming a lawyer or doctor. There he read Thoreau's "Essay on Civil Disobedience," and became convinced that he had to involve himself in social protest, and that only through the ministry could he function effectively. From Morehouse, King went to Crozer Theological Seminary, in Chester, Pa., where a lecture on Mohandas Gandhi led him to devour every book and article written about India's great leader of non-violent protest.

The thinking of Gandhi and Thoreau was still burning inside King when I first met him, late in 1955. He was then involved in his first major test of nonviolence and civil disobedience in the Deep South. On December 1 of that year, a Negro seamstress, Mrs. Rosa Parks, had boarded a bus in Montgomery, Ala., where King had recently become pastor of the Dexter Avenue Baptist Church. When the driver ordered Negroes to stand so that whites could sit, Mrs. Parks refused and was arrested. Within hours, Negroes had launched a 99-percent effective boycott that threatened to ruin the bus line.

As a report for the Minneapolis Tribune, I went to Montgomery and was permitted to sit in on the strategy sessions of the Negro leaders. King's gift of articulateness, his apparent lack of personal ambition, his willingness to stand up to tough-talking city officials made him the natural leader of the movement. The city arrested 115 Negro religious and political leaders; a bomb exploded on King's front porch. But the boycott held firm for 382 tense days, and led to the U.S. Supreme Court decision outlawing bus segregation. The Negroes of Montgomery had won a great victory, and Martin Luther King was world-famous.

BREASTPLATE OF RIGHTEOUSNESS

How did King rise to the pinnacle? He had charisma—a down-to-earth sincerity, an ability to wear the mantle of the church in such a way as to suggest a special closeness to God. He won the grudging admiration of white Americans and the support of millions of foreigners through his dignity, his willingness to take verbal abuse, to go to jail quietly—and to turn the other cheek in the process—in order to achieve his goals. He seemed impervious to provocation. He earned the reputation of a selfless leader whose devotion and wisdom were larger than life.

When a group of badgered, beaten Negroes in Gadsden, Ala., were on the verge of violence, King asked them to put down their arms. "Get the weapon of non-violence, the breastplate of righteousness, the armor of truth, and just keep marching," he pleaded. They did. And when the young minister said to whites, "We will match your capacity to inflict suffering with our capacity to endure suffering. We will not hate you, but we cannot in all good conscience obey your unjust laws," he disarmed many who held latent hostility toward the Negro.

"There is no arrogance about him, no intellectual posturing," reported the New York Times in 1961. "He voices no bitterness against the whites who have handled him roughly." If he became involved in crisis after crisis—the restaurant sit-in in Atlanta in 1960; demonstrations in Albany, Ga., in 1961; the explosive Birmingham protests of 1963; the Selma, Ala., march of 1964—it was because, as one of his aides said, "You've got to have a crisis to bargain

with. To take a moderate approach, hoping to get white help doesn't work."

THE HALO SLIPS

But, inexplicably, something began to happen after a while. King seemed to develop an exaggerated appraisal of how much he and his crisis techniques were responsible for the race-relations progress that had been made.

He could, indeed, make a pretty convincing argument that it was the crisis he and his followers precipitated in Birmingham in 1963 that capped the Negro's revolution and won the support necessary for the passage of the civil-rights laws of 1964 and 1965. But other Negro leaders, while not belittling demonstrations, argued that the Negro could never forgo a reliance on the law. They pointed out that Negroes might still be walking instead of riding buses in Montgomery had the lawyers not won their case in the Supreme Court. They said that the Negro had to continue to seek strong legislation and just court decisions. They argued that the cause required a shrewd, sometimes sophisticated wooing of public opinion.

Negroes had, in fact, begun to grow uneasy about King. He no longer seemed to be the selfless leader of the 1950's. There was grumbling that his trips to jail looked like publicity stunts. When arrested in Albany, Ga., in 1961, he had declared dramatically that he would stay behind bars until the city desegregated public facilities. Two days later, he was out on bail. In St. Augustine, Fla., after getting Negroes fired up for massive demonstrations, he went to jail amid great fanfare. But two days later he was bailed out again, so he could receive an honorary degree at Yale University.

SINISTER MURMURINGS

King really gave both critics and admirers serious cause for concern in 1965, when he began to talk about foreign policy. In July of that year, he told a Los Angeles group that the issues of racial injustice, poverty and war are "inextricably bound together." When advisers expressed doubts about the wisdom of linking the three, he retorted: "One cannot be just concerned with civil rights. It is very nice to drink milk at an unsegregated lunch counter—but not when there is strontium 90 in it."

A month later, he announced that he intended to write President Ho Chi Minh of North Vietnam, and the leaders of South Vietnam, Russia and the United States in an effort to move the war to the conference table.

Then, in September 1965, he called on Arthur Goldberg, chief U.S. delegate to the United Nations, and urged the United States to press for a U.N. seat for Communist China. Also, he asked for a halt in American air strikes on North Vietnam, and he recommended negotiations with the Vietcong. At this point, even some of his strongest supporters began to demur.

The New York Herald Tribune said: "Dr. King is already committed to a massive, unfinished task in an area in which he has great influence. He can only dissipate that influence by venturing into fields that are strange to him." In a harsher comment, liberal columnist Max Freedman asked, "Is he casting about for a role in Vietnam because the civil-rights struggle is no longer adequate to his own estimate of his talents?" NAACP leader Roy Wilkins, Whitney Young, executive director of the Urban League, Socialist leader Norman Thomas, and Bayard Rustin, a chief planner of the great civil-rights march on Washington in

1963 and himself a pacifist, all pleaded in vain with King not to wade into the Vietnam controversy.

Why did King reject the advice of his old civil-rights colleagues? Some say it was a matter of ego—that he was convinced that since he was the most influential Negro in the United States, President Johnson would have to listen to him and alter U.S. policy in Vietnam. Others revived a more sinister speculation that had been whispered around Capitol Hill and in the nation's newsrooms for more than two years—talk of communists influencing the actions and words of the young minister. This talk disturbed other civil-rights leaders more than anything else.

I report this not to endorse what King and many others will consider a "guilt by association" smear, but because of the threat that these allegations represent to the civil-rights movement. When King was simply challenging Jim Crow, murmurings that he was associating with, or influenced by, "enemies of the United States" had only limited impact. Most Congressmen and editors knew that American Negroes did not need a communist to tell them that they disliked being herded into the rear of buses, the balconies of theaters, the back doors of restaurants or a ramshackle school across the briar patch. But now that King has become deeply involved in a conflict where the United States is in direct combat with communists, the murmurings are likely to produce powerfully hostile reactions. They cannot help but imperil chances of passage of the civil-rights bill that would protect civil-rights workers in the South and make housing discrimination illegal.

NEW STRAIN

King answered his critics. He had become convinced, he said in his April 4 speech at New York's Riverside Church, that America would never invest the necessary funds or energies in rehabilitation of its poor "so long as adventures like Vietnam continue to draw men and skills and money like some demonic destructive suction tube." He told the Riverside audience that "We are taking black young men who have been crippled by our society and sending them 8000 miles away to guarantee liberties in Southeast Asia which they have not found in southwest Georgia and East Harlem."

The latter is an old cry that some Negroes have uttered in every American war. But in no conflict has a Negro with King's prestige urged Negroes to shun battle because they have nothing to fight for. King must have assumed that the "new Negro," full of frustration as he is, would be sympathetic to this argument. But a recent Harris survey showed that almost one of every two Negroes believes that King is wrong—and another 27 percent reserved judgment.

I find this opposition to King remarkable considering the amount of emotion and anger involved in the Negro revolution. It suggests that most Negroes are proud of the integrated performance of colored GIs in Vietnam; that most Negroes still think of America as *their* country and do not want to seem unpatriotic.

Beyond doubt, King's speech at Riverside Church and his subsequent remarks have put a new strain and burden on the civil-rights movement. He has become *persona non grata* to Lyndon Johnson, a fact that he may consider of no consequence. It is also likely that his former friends in Congress will never again listen to or be moved by him the way they were in the past. This, too, may not bother King. But it can make

the difference between poverty and well-being for millions of Negroes who cannot break the vicious circle of poverty and unpreparedness that imprisons them unless the President provides leadership and Congress provides the circle-breaking programs and laws.

Martin Luther King has alienated many of the Negro's friends and armed the Negro's foes, in both parties, by creating the impression that the Negro is disloyal. By urging Negroes not to respond to the draft or to fight in Vietnam, he has taken a tack that many Americans of all races consider utterly irresponsible.

It is a tragic irony that there should be any doubt about the Negro's loyalty to his country—especially doubt created by Martin Luther King, who has helped as much as any one man to make America truly the Negro's country, too.

Mr. HELMS. Madam President, for the reasons mentioned in these materials the Senator from North Carolina has insisted from the very beginning that the U.S. Senate owes it to the American people to look at the facts, to hold hearings, and then make this judgment which is going to be made pell-mell tomorrow afternoon at 4 p.m.

Senators may scoff, they may holler racist, they may engage in epithets and theatrics but they are simply avoiding, obscuring, the facts.

And if everyone is wrong except these Senators who are engaging in such haste to pass this measure, then why do they not say, "OK, we will send it to the Judiciary Committee, and we will let there be some hearings on it," because the bill provides that this national holiday in which the country will be shut down will not go into effect until 1986. So why all the rush, why all the reluctance to look at the truth, to look at the record, and then make our judgment?

I say this with all due respect to my colleagues. I am absolutely persuaded that the Senate will be derelict in its duty if it does not take steps to insure that it has been fully informed by obtaining this information from the executive branch.

Mr. President, earlier today, a reference was made to the Church Committee report on intelligence activities.

Mr. President, I call attention to the fact that the Church Committee did not set out to evaluate the charges against Dr. King as such, but as grist for its general proposition that counterintelligence activities had injured civil rights in a wide-ranging variety of incidents. The committee did not make an exhaustive study of the matter, particularly with regard to Stanley Levison and Hunter Pitts O'Dell. What the committee said, and I quote from the report on page 85, was the following:

Without access to the factual evidence, we are unable to conclude whether either of those two advisers were connected with the Communist Party when the case was opened in 1962, or at any time thereafter.

Mr. President, note what the committee said: "Without access to the factual evidence ***."

That is what this discussion is all about. The Senate has never been given access to the factual evidence. The Senate should insist on being given that access. That is all I am trying to do.

Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself such time as I might use.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we are told that we need yet another review of all the FBI material in order to make an informed judgment. Let me respond, first of all, that we should regret the fact that the material exists at all. Second, let me remind my colleagues who may have forgotten that a Senate committee has investigated this issue already and at length.

In 1976, the final report of the select committee to study governmental operations with respect to intelligence activities explicitly condemned FBI activities concerning Dr. King. The report examined the FBI's tactics and found that:

The sustained use of such tactics in an attempt to destroy Dr. Martin Luther King, Jr. violated the law and fundamental human decency.

The committee concluded:

The FBI's covert action campaign against Dr. Martin Luther King . . . demonstrates just how far the Government could go in a secret war against one citizen . . .

I continue:

Even after Dr. King's death, agents in the field were proposing methods of harassing his widow, and bureau officials were trying to prevent his birthday from becoming a national holiday.

Still quoting from the report:

The actions taken against Dr. King are indefensible. They represent a sad episode in the dark history of covert actions directed against law abiding citizens by a law enforcement agency.

In any event, the FBI has stated that at no time did it have any evidence that Dr. King himself was a communist or connected with the Communist Party. Dr. King repeatedly criticized Marxist philosophies in his writings and speeches. The present Deputy Associate Director of the FBI's Domestic Intelligence Division, when asked by the committee if the FBI ever concluded that Dr. King was a communist, testified, "no, sir, we did not."

It is sad to have to refute these charges at all, for they arise from reports based on innuendo and hearsay—and from the misconduct of government itself. When we learn that the FBI was crusading against a

Martin Luther King holiday, when we learn that its agents discussed harassing Coretta Scott King even as she grieved, none of us should seek to justify such misdeeds by compounding the evil and the error of assaulting Dr. King's reputation.

Instead we much recognize his contribution—at last and unequivocally.

The FBI's record does not indict Dr. King, but his adversaries.

I question no one's motives, but I do say that the repeated and reckless charges against Dr. King are false.

Finally, we are asked how we can accord Dr. King an honor that has been granted to only one of the Founding Fathers—George Washington. Perhaps we should reflect on the fact that the founders declared that all were created equal—and then permitted a condition to continue under which millions of human beings were consigned to the degradation of slavery. Even emancipation brought inequality, segregation, and second class citizenship. A century passed until Americans heard and heeded the call of Martin Luther King, to reach for a day when all this land could say: "Free at Last, Free at Last, Thank God, Almighty, I'm Free At Last."

George Washington was the first in rank among the founders of the Nation. Martin Luther King, Jr., was the first in rank among the founders of a newer and fuller American freedom—of a nation truly dedicated to "Liberty and Justice for All." In a very real sense, Martin Luther King is a second father of our country, for he led us to pursue our own fundamental ideals and our own best destiny.

We can all be grateful that Martin Luther King chose the path of nonviolent change for America. By contrast, the Communists advocate violence all across the world.

And Dr. King himself told us how to answer their challenge:

Our greatest defense against communism is to take offensive action on behalf of justice. We must with affirmative action seek to remove those conditions of poverty which are the fertile soil in which the seed of communism grows and develops.

Martin Luther King raised and still represents the hope of black, Hispanic and poor Americans that this country belongs to them, too—that they are full citizens—and that here they can breathe free and equal. This Chamber must not dash that dream. The recognition we can give now to Dr. King can also revive the hopes he inspired—and reaffirm that in its third century, America will fulfill its founding principles—the principles proclaimed in the Declaration of Independence—and then given new life by Dr. King.

Mr. DOLE. Madam President, allegations of Dr. King's ties to the Communist Party have already been exhaustively explored.

The following is a chronological listing of all Senate and House hearings or reports published since 1975 where allegations that Dr. King had Communist ties were examined:

November 18, 19; December 2, 3, 9-11, 1975. Hearings before the Select Committee to Study Governmental Operations on U.S. Intelligence activities, see pages 347-840.

April 23, 1976. Final Report of the Select Committee, see pages 79-184, "Dr. Martin Luther King, Jr. Case Study".

March 16, 1977. Hearings by the House Select Committee on Assassinations.

March 28, 1977. Progress Report of the House Select Committee on Assassinations.

May 27, 1976. Hearings by the House Subcommittee on Civil and Constitutional Rights, FBI Oversight.

January 2, 1978. Final Report of the House Select Committee on Assassinations.

November 19, 1978. Hearings before the House Select Committee on Assassinations.

November 17, 20, 21, 1978. Hearings before the House Select Committee on Assassinations.

March 29, 1979. Report of the House Select Committee on Assassinations.

March 27; June 21, 1979. Joint hearings of the Senate Subcommittee on Civil and Constitutional Rights and the House Subcommittee on Census and Population to consider S. 25, designating Dr. King's birthday as a legal public holiday.

February 23, 1982. Hearing before the House Subcommittee on Census and Population to consider designating the birthday of Dr. King a legal, public holiday.

There are a total of six different committees that have explored this matter in varying degrees. None of the committees ever established that Dr. King had any ties to, or was a member of, the Communist Party.

As the 1979 Senate committee report on the King holiday legislation concluded:

The Committee believes that such accusations are neither supported by the facts, nor worthy of extended comment. Such charges have been exhaustively reviewed by several Congressional investigations and found meritless.

Indeed, the FBI apparently admitted as much during a 1976 Senate Intelligence Committee investigation. Specifically, the staff report growing out of that investigation noted:

In any event, the FBI has stated that at no time did it have any evidence that Dr. King himself was a communist or connected with the Communist Party. Dr. King repeatedly criticized Marxist philosophies in his writing and speeches. The present Deputy Associate Director of the FBI's Domestic Intelligence Division, when asked by the Committee if the FBI ever concluded that Dr. King was a communist, testified, "No, sir, we did not."

With regard to allegations that two of Dr. King's associates, Stanley Levinson and Jack O'Dell were members of the Communist Party, the same report stated that no factual evidence was presented by the FBI to conclude that either men were connected with the Communist Party and that there was "no evidence establishing that either

of those advisers (O'Dell and Levinson) attempted to exploit the civil rights movement to carry out the plans of the Communist Party."

Finally, Mr. President, I would add that any information resulting from the FBI's surveillance of Dr. King is necessarily tainted. Congressional investigations have since shown that the surveillance was part of a concerted undercover effort to discredit Dr. King. Indeed, the Senate Intelligence Committee's 1976 investigation found that the FBI secretly categorized Dr. King as a Communist in May 1962, months before it even started to investigate him.

It is true that the various congressional investigations may not have uncovered every piece of information contained in the sealed files. However, there were comprehensive investigations, and I believe that if there was, in fact, anything of significance in the files, it would have been uncovered by now.

I am prepared to yield back the remainder of our time.

Mr. SYMMS. Will the Senator yield?

Mr. DOLE. I would be happy to yield.

Mr. SYMMS. I thank the Senator from Kansas for yielding.

I rise in support of the amendment. I ask for the support of the amendment for two reasons: One, I cannot understand the urgency of this legislation. No one has answered, to my satisfaction, the nature of the various charges raised regarding Dr. King. Though, I make no charges about Dr. King, myself.

I cannot help but think, Madam President, that as we sit here today, we have 9.5 percent unemployment; we have marines under fire in Lebanon, in fact one was killed this weekend. We have a situation in Central America where the Brezhnev doctrine is meeting head-on with the Monroe Doctrine. Only 600 or 700 miles from our borders, there is a revolution occurring. We also have a deficit problem. By the end of the month, the Treasury will ask us to raise the national debt another \$300 to \$400 billion, soon the interest on the national debt will be more than the budget was only 10 years ago. With all of these problems, Congress decides the solution is another paid holiday.

In addition, the balance of payments is in poor shape. The Japanese and Europeans are competing with our automobile industry, our heavy steel industry, and our machine tool industry. So what do we do in Congress to help solve these problems? We suggest another paid holiday.

I am sure, Madam President, that this Senator would find it hard to vote for a paid Federal holiday no matter whom it recognized. We already have 52 days off. I might make a point for the Creator himself and the people

who work by the hour. People who are not in union contracts, a significant number of the work force. I have talked with them, they say, "The only thing you are doing in Washington is giving a paid holiday for Government employees and bankers." They say, "What about the people who are working for wages all across this country, what is Congress doing for them. What is the significance of this legislation at a time when we need to be increasing production in this country?"

I am reminded of the book "1984," by Orwell, and the other more humorous version he wrote, entitled "The Animal Farm." You must remember this is only 1983, Madam President, we should wait until 1984 to pass this bill because it would be so significant if we did it in 1984. Washington's answer to our economic problems, to our foreign policy problems is another paid holiday and another holiday makes a good bargaining chip for the unions to use when it comes to management and contract negotiations.

What about the working people? Are they going to get a paid holiday? No. They are forced to take a day off without pay, because they get paid by the hour. So most of the people who pay taxes will not be able to take the day off in celebration.

It would appear to me to make more sense, Madam President, if we set the day on a Sunday to recognize Dr. King, if that be the wisdom of the Congress, rather than to have another paid holiday. In the meantime, I think it is only fair that those of us who are being asked to vote for this bill have all the total facts. What are the two pages of evidence that supposedly are sequestered at the Justice Department? Why is there such a big rush? What is the big hurry here in Washington? Is it we do not want to address the real problems of the country? So in order to have something to talk about on the floor of the Senate, we turn to another paid holiday because that is less controversial, and does not really confront anything. Anyway we delay for a couple of years—until 1986 before this bill becomes effective.

So, what is the urgency? I cannot understand why Senators would resist wanting to know the evidence, if there is any evidence. If there is nothing to be shielded, why should we worry about it?

One of my distinguished colleagues suggested to me, that, anyone who had a holiday in his honor should at least have passed on to his reward 50 years ago. It has only been 15 years, so what is the big rush?

I compliment the Senator for his amendment and I ask unanimous consent to be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Madam President, in the House, Congressman DANNEMEYER

has offered a bill, H.R. 3584, which speaks to this issue. It says: "Any legal public holidays established in the future will occur on a Saturday or Sunday."

I would hope my colleagues would consider this and between now and tomorrow. And that thought be given to the excellent work done in the House by Congressman DANNEMEYER. We might take a look at Congressman DANNEMEYER's suggestion and consider amending this bill.

It would be more acceptable to the working taxpaying American citizen if we did not create a paid holiday. The American people would not be asked to pay for one more day that they will not be able to enjoy. If they enjoy the holiday, they will not be paid as salaried employees on the Government payrolls.

Madam President, will the Senator yield for 1 more minute?

Mr. DOLE. Yes.

Mr. SYMMS. I thank the Senator for yielding. I have an article that was written in the Raleigh News Observer by our distinguished colleague, Senator JOHN EAST. I ask unanimous consent that it be placed in the RECORD right at the end of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(From the Raleigh News and Observer, Oct. 15, 1983)

EAST SAYS HOLIDAY FOR KING WOULD BE TOO EXPENSIVE

(By John P. East)

I believe it may not be generally understood that what is being proposed in honor of Martin Luther King Jr. is not merely a commemorative day but a legal public holiday—a paid holiday for federal workers that will be observed also by workers in state and local governments throughout the country.

The cost estimates for a federal legal public holiday are exorbitant. For the federal government alone, the Library of Congress has estimated a cost of \$270 million, and for state and local governments a cost of \$692 million. That comes to a total of over \$900 million—nearly a billion—in pay, benefits and lost productivity for all government workers.

In addition, the U.S. Chamber of Commerce estimates that the cost to the private sector of another federal holiday would be \$4.3 billion, which, added to the public sector costs, gives a total of \$5.26 billion in all. In short, we are not talking about a merely honorary occasion but a major economic sacrifice for the country.

The cost of another federal holiday—our 10th—should give us pause in creating one. The nine others—New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas—generally commemorate events or values long held to be central to our national identity. Only one holiday, in honor of President Washington, honors an individual American. Are we, by creating another holiday for King, to elevate him to the same level as the father of our country and above the many

other Americans whose achievements approach Washington's?

A number of other Americans come readily to mind who might reasonably be so honored: Thomas Jefferson, Abraham Lincoln, Robert E. Lee, Douglas MacArthur and Franklin Roosevelt, for example.

Roosevelt's achievements by themselves are distinctive. Crippled by polio at the age of 39 in 1921, he was subsequently twice elected governor of New York and four times president of the United States. He founded the March of Dimes, which, as a private charity, developed the vaccine for polio and which now leads the fight against birth defects. As a significant political and humanitarian figure in our national history, FDR is rivaled by few Americans, yet we hear no proposal to honor him with a national holiday. The reason there is no such proposal is that Americans do not generally honor individuals with such holidays, for if we did, there would be no end to them. We had best leave well enough alone, then, with the establishment of cost-free commemorative days for those we wish to honor.

Nor do we have sufficient perspective on King and the endurance of his achievements to place him on a par with any of the figures I have mentioned. It was not until 80 years after his death that Congress in 1879 honored George Washington with a paid holiday in his name. It has been only 15 years since King's death, and the emotions and controversies that swirl around his name have not yet allowed us to measure his achievements accurately or honestly. Let another 65 years pass (or, as James Kilpatrick has suggested, 50 years, so that we may examine the now-sealed FBI files on Dr. King) and we can then weigh his legacy with more objectivity.

Today that legacy does not appear to be entirely positive. King's speech on the Vietnam war in New York in 1967 has become notorious for his hostile remarks about America and the Americans who fought in Vietnam. Calling the United States "the greatest purveyor of violence in the world today," King compared the United States to Nazi Germany. The speech was strongly condemned by liberals who supported King and opposed the war—by Carl Rowan, *The Washington Post* and by *Life* magazine, for example. While it is true that others in the Vietnam era made similar remarks, conscience forbids that we officially honor their author as a national hero; his words were in fact a desecration of the memory of the Americans who fought in Vietnam and an insult to his country.

The cause that Americans should honor is the American ideal of civil rights for all individuals, that all men should be judged on the basis of their talents and merits and not on the basis of their race, color, sex, national origins, creed or disability. The proper way to celebrate this ideal is through a national commemorative day for civil rights.

As a commemorative day—not a federally imposed national holiday—there would be no costs, and National Civil Rights Day would be officially observed and celebrated by such activities and ceremonies as would truly honor this national institution for civil rights for all Americans. This day would avoid the exorbitant costs, distorted perspectives and embittering controversies that would attend a federal holiday for King, but it would more truly honor our national achievement in and our continuing commitment to civil rights—of which Martin Luther King, at his best, was a part.

Mr. SYMMS. Mr. President, the proposal to honor the late Dr. Martin Luther King, Jr., with a national holiday is regarded by many of my constituents as a bad idea. They do not think we need another paid holiday for Government workers which will cost the taxpayers millions of dollars. If we are to set aside another holiday, they think others are more deserving of the honor than Dr. King.

Their views, which I share, have nothing at all to do with race or with civil rights. Dr. King was an articulate spokesman for his people and for the civil rights movement. But he was also a spokesman for other causes and groups, and it is in these areas that his words and deeds have caused so much controversy and concern.

In particular, many of my constituents are very upset that we would consider establishing a national holiday to honor a man who denounced this country and gave aid and comfort to its enemies during the conflict in Vietnam. Veterans of that war, including many blacks, were incensed by his lack of patriotism then, and they would be insulted now if we observed a national holiday in his honor.

Mr. President, I ask unanimous consent to place in the *RECORD* an article by John Beauclair, published in the current issue of the *Valley Sentinel*, the official publication of the Boise, Idaho, American Postal Workers Union, AFL-CIO. Mr. Beauclair, who is a postal clerk in Boise, eloquently expresses the concerns I have heard from many others in my State regarding the King holiday proposal. He has the courage to challenge the national leaders of his union who have endorsed that proposal. I believe he is in closer touch with grassroots America than they are, and I earnestly hope that my colleagues in the Senate will listen to his message.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

MARTIN LUTHER KING, JR.—MARTYR?

(By John Beauclair)

Up the street from the main post office lives an elderly man and woman. Both have spent a lifetime of hard work. Their children have been raised and are now on their own. The indignities and demeaning insults practiced by unthinking people have not spared them. They are black.

Neither one of them has ever taken off a \$300.00 suit or dress and put on a factory-faded outfit to take part in a massive non-violent peoples march across town. Neither of them has received an honorary title allowing them to use "Dr." before their names. Nobody from the national news media has ever shown any interest in them.

But, in my opinion, this man and his wife, who have worked all their lives, raised their family to honor this country as they have done, are more worthy of being honored with a national holiday than the apostle of non-violence, Martin Luther King, Jr.

Enough documentation exists to fully substantiate the close personal ties of Martin

Luther King, Jr. with known communists and communist-front organizations. The violent vocal tirades of this man against the land of his birth during the Vietnam War are a matter of public record. Any veteran of this war should consider a national holiday in honor of this man who gave public aid and comfort to an enemy of this nation during a time of war an additional slap in the face. In former times, his actions would have been treated as TREASON!

The national news media have pulled out all stops to have Martin Luther King, Jr. honored with a national holiday. This would place him beside Jesus Christ and George Washington. Veterans should also remember these same national news media missed very few opportunities to discredit and hold up to ridicule and shame the American men and women who fought in the Vietnam war. There is no doubt in my mind that the actions of Martin Luther King, Jr. and the national news media prolonged this war and contributed to needless death and destruction.

Martin Luther King, Jr. was not a martyr in the traditional sense usually associated with the word martyr. Instead, he was more than likely a victim of the violence that followed his non-violent demonstrations—a non-violence which had very little in common with the Christianity he supposedly professed but one more in keeping with the methods used by the communists and communist fronts to stir up racial discontent and fan the fires of revolution in our country. Christianity teaches just the opposite. Humility, longsuffering and turning the other cheek in face of insult are tenets of Christianity. Christianity teaches love of country. Christianity teaches obedience of the laws of one's country. Christianity does not teach the right to pick and choose which laws to obey and which laws to purposely disobey.

It is understandable black Americans would want a black American honored with a national holiday. The choice of Martin Luther King, Jr. is most unfortunate.

It is also unfortunate our own national union leadership had to get wrapped up in this campaign. Are they so far to the left they feel comfortable with the Martin Luther Kings? Are they so out of tune with conditions existing in this nation? The high unemployment; severe inflation (which has only begun to get started); the excessive taxation, which causes any monetary increase to disappear before we even receive it; bankruptcies by the thousands—all these make it exceedingly difficult for the average American family to make ends meet. Does our national union leadership realize the spectacle federal workers present to the general public? The spectacle of federal workers going after another paid holiday (we already have nine) while many millions are out of work? Another holiday will cost our government hundreds of millions of dollars. These dollars have to be first taken from other Americans—a bitter pill to swallow when you are out of work. Or perhaps is our national union leadership out of touch with the troubles engulfing the average American family? Have they been off the work floor too long?

In my opinion, the black man and his wife mentioned at the beginning of this article have, in their lifetimes, accomplished many times more good will between the blacks and whites than have any of the apostles of non-violence. Their example and the examples of millions of other black Americans who have lived their lives in peace and har-

mony with their neighbors, bearing silently the sufferings inflicted on them, had much more to do with acquiring the full dignities of citizenship than ever did the Martin Luther Kings and their fellow travelers.

Mr. SYMMS. I yield the floor.

Mr. DOLE. Madam President, I would just like to insert in the RECORD another bit of information. I know there have been allegations about Dr. King and there have been a lot of investigations. We decided to go back and check some of the statements made about George Washington and Thomas Jefferson and Abraham Lincoln, and maybe they are not important enough to repeat here because they are not here to defend themselves. But I would ask that the information be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

During his second term, every aspect of George Washington's career was insultingly discussed in the press, which the public accepted with avidity. It was said that he had been made Commander in Chief because he was such a nonentity Congress was convinced that he could not become a tyrant—but Congress had been wrong. Washington was accused of living extravagantly, of over-drawing his salary. Paine accused him of conspiring with the French Government to have Paine executed. Calling Washington "treacherous in private friendship . . . and a hypocrite in public life . . . an apostate or an imposter."

Jefferson was similarly subjected to such attacks, during the campaign of 1800, Jefferson's political foes had frequently denounced him in press and pulpit as an atheist, tantamount to being a Communist in that day. Before his Presidency was over, Jefferson was to be designated in New England as the anti-Christ. Other sensational charges were that Jefferson had a slave mistress, that he had sought to seduce a friend's wife, and that he had tried to pay a debt with depreciated currency. He was called a liar and a slanderer, even accused of treason by some when he was the Chief Executive of Virginia during the American Revolution.

Nor was Lincoln immune from vicious character attacks during his run for a second term in office. The New York Herald was one of his more outspoken opponents, calling him a "joke incarnated"; his election, a "ridiculous joke"; his cabinet a "standing joke"; his reconstruction "another joke"; and his renomination "the most laughable joke of all."

Did Washington overdraw his salary? Did Jefferson try to seduce his friend's wife; was Lincoln a "ridiculous joke"? Are we to strip these men of their national hero status because of scandalous attacks tossed back and forth over their political careers?

So it is with Dr. King. I am sure that 200 years from now, some history books will still note that there were allegations that Dr. King was somehow linked to the Communist Party and that some accused him of being a "womanizer." But no one will ever be able to dispute the significance of Dr. King's contributions to society—the fact that he raised the consciousness of the Nation to the ugly blight of racial discrimination and injustice, and moved us to act. And because of his actions, all Americans greatly benefited.

Mr. DOLE. I yield back my time.

Mr. HELMS. How much time remains?

The PRESIDING OFFICER. Eight minutes twelve seconds.

Mr. HELMS. I yield back the remainder of my time if the Senator from Kansas will do it.

Mr. DOLE. I have done it.

Mr. HELMS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Carolina (Mr. EAST), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), would vote "nay."

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 3, nays 90, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—3

| | | |
|-------------|------------|-----------|
| Denton | Helms | Symms |
| NAYS—90 | | |
| Abdnor | Garn | Moynihan |
| Andrews | Glenn | Murkowski |
| Armstrong | Goldwater | Nickles |
| Baker | Gorton | Nunn |
| Baucus | Grassley | Packwood |
| Bentsen | Hatch | Pell |
| Biden | Hatfield | Percy |
| Bingaman | Hawkins | Pressler |
| Boren | Hecht | Proxmire |
| Boschwitz | Hefflin | Pryor |
| Bradley | Heinz | Quayle |
| Bumpers | Huddleston | Randolph |
| Burdick | Inouye | Riegle |
| Byrd | Jepsen | Roth |
| Chafee | Johnston | Rudman |
| Chiles | Kassebaum | Sarbanes |
| Cochran | Kasten | Simpson |
| Cohen | Kennedy | Specter |
| Cranston | Lautenberg | Stafford |
| D'Amato | Laxalt | Stennis |
| Danforth | Leahy | Stevens |
| DeConcini | Levin | Thurmond |
| Dixon | Long | Tower |
| Dole | Lugar | Tribble |
| Domenici | Matsunaga | Tsongas |
| Durenberger | Mattingly | Wallop |
| Eagleton | McClure | Warner |
| Evans | Melcher | Weicker |
| Exon | Metzenbaum | Wilson |
| Ford | Mitchell | Zorinsky |

NOT VOTING—7

| | | |
|------|----------|--------|
| Dodd | Hollings | Sasser |
| East | Humphrey | |
| Hart | Mathias | |

So Mr. HELMS' amendment (No. 2332) was rejected.

Mr. DOLE. I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. This is the last vote we are going to have today. There are one or two very brief matters to attend to. Is there one amendment to be laid down? There is not.

Mr. LEVIN. Mr. President, I am again pleased to rise in support of the Martin Luther King, Jr., holiday bill. I first joined my colleagues in sponsoring this legislation upon my arrival to the U.S. Senate. As I indicated in earlier debate on this measure, this is a time I have long awaited. This is a time when we in the Senate seek to memorialize the magnitude of a man who sought to protect the dignity of a people and awaken the conscience of a nation. It is a time when we in the Senate seek to transcend the routine legislative agenda, as he sought to transcend the prejudices of centuries.

A number of our colleagues who are opposed to this legislation have made references to an April 1967 speech Dr. King made at the Riverside Church in New York City. In that speech, Dr. King referred to the United States as "the greatest purveyor of violence in the world today."

Mr. President, at the time of the Riverside Church speech, the United States had nearly 500,000 soldiers fighting in Vietnam. Dr. King believed deeply that American involvement in the Vietnam war was immoral. That one remark, revealing Dr. King's frustration with the war, the damaging impact of the war on American society, and its disruptive impact on the Great Society policies, is more reflective of his personal frustration than it is of his ideas and ideals. Dr. King constantly spoke of America as rising above itself to accomplish the highest values of civilization and voiced his belief that America was uniquely able to achieve the American dream.

Mr. President, no leader is flawless, and no leader's entire public record has been so thoroughly combed through as Dr. King's. He later regretted the remark of 1967. In the context of his entire life's work, that single phrase is not a valid basis for judging him negatively.

Mr. SPECTER. Mr. President, I support a national holiday to honor the memory of civil rights leader Dr. Martin Luther King, Jr. In listening to the debate on this matter of great national significance and concern, I have heard several accusations made. We have heard arguments which attempt to tie Martin Luther King, Jr., to the Communist Party of the United

States, which assail his motivations and ambitions as part of an anti-American, Marxist plot. We have even heard the names of the late John and Robert Kennedy conjured to buttress arguments against passage of this legislation.

I submit, Mr. President, that Dr. King represented much of which we can be proud to call American, in spirit and in substance.

The civil rights movement, for which Dr. King was largely responsible, was built on distinctly American principles. The words of Dr. King's eloquent speeches, and brilliantly crafted essays reflect his commitment to American ideals: equal opportunity, freedom and justice. The motivation of his movement was to have these ideals realized in their truest and most exalted form. As magnificent and majestic as Dr. King's dream was, it was also a simple one:

That one day this nation would rise up and live out the true meaning of its creed: we hold these truths to be self-evident that all men are created equal.

To my mind, this is one of the most basic tenets on which American democracy stands. Dr. King personified the American sense of justice and appealed to that basic American ideal as part of his movement for civil rights.

Dr. King's ideals were rooted in the American dream and fused by his personal idealism. He was a Southern Christian theologian who spoke sadly of a nation which had dealt a part of its population a blank check marked insufficient funds with regard to its promise of freedom and equal opportunity; a nation which professed to be the democratic leader of the free world, and yet kept a portion of its population enslaved, and unequal, and unfree.

Dr. King was son of a black Baptist tradition which is, itself, a distinctly American product. Dr. King committed himself to that tradition while he was a junior at Morehouse College and was ordained in his father's church. He was raised within a Jim Crow culture, where nonviolence and peaceful change were remote ideas; and yet, he was a paradigm of peaceful conduct, loving concern for his people and his country.

There are those within this Chamber who argue that Dr. King must be held responsible for a legacy of violence and division which characterized the South during the marches. The violence which Dr. King's marches engendered cannot be attributed to him as part of some violent motivation—to do so would be to miss the poignancy of what those marches exposed. The bombing of churches, the hosing of black masses, the unleashing of vicious police dogs on innocent women and children cannot be attributed to Dr. King, but to the racial sickness which plagued our Nation so terribly that

one can still witness the residual manifestations in our slums and ghettos.

Indeed, Dr. King's dream was, and still is, consistent with America:

That one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit at the table of brotherhood.

That freedom and equal opportunity would ring across the Nation from every hill and molehill and from every mountaintop, and that, finally, the racial paranoia which plagued this Nation would eternally be resolved.

Certainly, we have not completely fulfilled that vision, but this Nation has made tremendous progress since that day when four little girls were killed in that Birmingham church by a malicious racist.

Blacks no longer use separate facilities, no longer are denied the privilege to vote, and enjoy the same rights as any other American should in this Nation. It would be a fitting and symbolic memorial to Dr. King if this Chamber passed the bill to set aside a national holiday in his honor.

We are all old enough in this Chamber to remember vividly the urgency of the time when Dr. King began his movement. History has a way of producing leaders who suit the needs of their times and alter favorably and irreversibly the course of mankind. Martin Luther King, Jr., was such a leader.

Mr. JEPSEN. Mr. President, Dr. Martin Luther King, Jr., had a dream for all Americans to be free.

Through his leadership and example, much has been done to further the cause of equal rights for all Americans.

Mr. President, it is just and right to want to honor a man, whose contributions changed and reformed the laws and attitude of a whole nation.

At the same time there have been many others who preceded Dr. King and who also left their footprints against economic, political, and personal discrimination in the sands of our history.

We cannot—nor should we—ignore the contributions of others like Abraham Lincoln, Thomas Jefferson, Booker T. Washington, or George Washington Carver.

Yet, none of these individuals have had a legal holiday set aside in their names. In fact, it was not until 95 years after his death that our first President was honored with a Federal holiday.

I want to make it very clear that I feel Dr. King should be recognized for his contributions. Indeed, I would throw my wholehearted support behind a national day of recognition for Dr. King, a day of recognition that would not be a paid legal holiday.

I will therefore vote against H.R. 3706 making the birthday of Martin

Luther King, Jr., a legal public holiday.

Recognition—yes. A legal public holiday—no.

Mr. GLENN. Mr. President, I am pleased to be a cosponsor of legislation which will pay tribute to Dr. Martin Luther King, Jr., a great American leader of our time. I have been a cosponsor of similar legislation in every Congress since I came to the Senate.

The legislation designates the third Monday in January of each year a legal public holiday to commemorate the birthday of Dr. Martin Luther King, Jr. It will become effective 2 years after enactment.

In order to expedite passage of this measure, the Senate will consider H.R. 3706 which the House passed by an overwhelming vote of 338 to 90. This bill is identical to S. 400, the Senate bill of which I am a cosponsor.

This legislation provides us with the opportunity to pay tribute to Dr. King's dedication to the peaceful pursuit of a more just society. It also provides us with the opportunity to rededicate ourselves to the principle that "all men are created equal."

Mr. President, I am going to briefly discuss some of the arguments that have been raised against the creation of a national holiday to honor Dr. King, and then conclude my remarks with a few observations about the life of Dr. King.

Before I do so, however, I want to express my deep concern over the failure of Presidential leadership on this issue. While there has been some indication that the President will sign H.R. 3706 if it is presented to him, he has failed to comment publicly on the bill or to signal his support for it.

As our highest elected official, the President has an obligation to lead the Nation. It is incumbent upon him to let us know where he stands on a major civil rights issue of such importance to millions of Americans. In this instance, the President has failed in his responsibility to face this issue, and I call on him to publicly support this legislation.

Opponents of the holiday argue that it is too expensive, that Dr. King was influenced by Communists and that consideration of the holiday bill is premature.

First of all, the holiday's relatively modest cost is not too high a price to pay to memorialize Dr. King's dream of social justice, equality and world peace. The Congressional Budget Office's estimate of \$18 million for the holiday does not appear to be out of line with the cost of other holidays. Moreover, it is difficult to determine the cost of morality. For example, how much did slavery and segregation cost our great country in terms of human misery, humiliation, and despair?

Second, Dr. King's dedication to nonviolence, peace, and justice bear no relationship to communism. They are democratic principles which have guided this Nation since its inception. Nowhere in Dr. King's advocacy of peace and the brotherhood of man is there a hint of Communist influence. Suggestions to the contrary are based on speculation of the worst sort, and are unworthy of our consideration.

Finally, the opponents argue that the bill caught them by surprise, and that it should be referred to the Senate Judiciary Committee for hearings. This argument ignores the fact that nearly 2½ months have elapsed since the Senate leadership announced its intention to take up consideration of the bill. It also ignores the legislative history of the bill: it has been before the Congress in one form or another for 15 years; and, the Senate Judiciary Committee held hearings on the measure as recently as 1979.

Mr. President, as I mentioned earlier, I would now like to conclude my remarks with a few observations about Dr. King.

As a young man, Dr. King brought maturity to our Nation's development. He taught us that love can destroy hate and that peaceful means can resolve violent conflicts. He endured the temporary indignities of jail to advance his long-term goal of freedom for all. He organized a bus boycott to demonstrate the liberating effects of a simple act of integrity. As Dr. King proudly declared at the time:

We came to see that, in the long run, it is more honorable to walk in dignity than ride in humiliation. So in a quiet, dignified manner we decided to substitute tired feet for tired souls and walk the streets of Montgomery until the sagging walls of injustice had been crushed.

Some would tell us that racism and discrimination are ineradicable aspects of life in an imperfect world and that we should simply accept them. Dr. King's life taught us that the well-springs of decency run deep in the American people and that we only weaken that sense of decency by refusing to act in the cause of liberty.

By celebrating Dr. King's birthday, we express our hopes for the future, not just our appreciation of the past. We signal our desire for an America in which every person realizes his or her full potential as a human being, an America in which race keeps no one from a job, an education, a home, or a meaningful role in our political process. This was Dr. King's dream, but much remains to be done.

We are not yet a world at peace as he dreamed we would be and the mere passage of this legislation will not in itself right all the wrongs that still haunt our troubled world. But if he were here, Dr. King would counsel us not to despair. Even in the darkest times Dr. King projected an inner se-

renity and confidence that came from his unshakeable faith in himself, his fellow Americans, and his religion. No unfair laws can long survive that kind of combined moral power.

Mr. President, I sincerely hope that my colleagues will join with me to commemorate the birthday of this courageous American and man of peace. Because his life symbolized many of the ideals and principles fundamental to this Nation, let us resolve to make Dr. King's birthday a holiday. But even more, let us resolve to make an America full of freedom and equal opportunity.

Mr. ZORINSKY. Mr. President, I would like to take this opportunity to explain why I feel compelled to vote against establishing a national holiday to honor Dr. Martin Luther King, Jr. Unlike those who believe that Dr. King is somehow unworthy of this great honor, or who oppose his political beliefs or actions, I believe that Dr. King was truly committed to the finest American ideals of liberty and justice. His courageous struggle to bring civil rights issues to the forefront of the American conscience, his central role in the development and passage of civil rights legislation, his leadership in efforts to bring about understanding and cooperation between people of all races, and his complete commitment to nonviolence earned him the respect and admiration of people the world over. As we all know, these efforts earned him the Nobel Prize for Peace.

As much as I admire Dr. King, however, and as important as I believe his efforts were, I cannot vote to establish a national holiday to honor his birth. In these difficult economic times we can ill afford yet another "no work" day. Federal holidays cost us not only lost time, but also the overtime wages we must pay to those who have to work despite the holiday. We must also remember that not all of private industry observes Federal holidays. Many hardworking Americans who foot the bill for these days off must themselves work. And they, unlike their Federal counterparts, receive no extra compensation for their efforts. Another Federal holiday is not fair to them. We simply cannot afford to declare national holidays for all the men and women who have made significant contributions to America.

I would like to see us honor Dr. King in some other, more appropriate way. Perhaps we could celebrate his birthday in conjunction with an existing holiday. Given that Dr. King was a Baptist minister and derived much of his strength and moral sense from his religion, a Sunday holiday might be more fitting and less costly than yet another weekday holiday.

This is one of those very difficult decisions which elected officials must face periodically: On one hand, there

is an idea you support, but on the other there is a principle which precludes acting as you would otherwise like to act. As much as I want to honor Dr. Martin Luther King, Jr., for his outstanding contributions to the United States of America and the entire world, my longstanding commitment to fiscal conservatism means that I cannot support this particular method of commemorating Dr. King's efforts.

Mr. ABDNOR. Mr. President, I reluctantly rise in opposition to H.R. 3706, the bill to designate the third Monday in January as a legal public holiday to commemorate the birthday of Martin Luther King, Jr. I say "reluctantly" as my opposing the measure may be taken by some as disparaging of Dr. King's place in the history of this Nation. Such is not the case. I believe, and have stated many times, that Martin Luther King probably was the most outstanding leader of black citizens in our country and individually contributed most to the advancement of civil rights in our country.

No less a publication than the Encyclopedia Britannica affirms that Dr. King's contribution to the black freedom movement was that of a leader who was able to turn protests into a crusade and to translate local conflicts into moral issues of nationwide concern. By doing so, Dr. King won his greatest victories by appealing to the consciences of white Americans, thereby bringing political leverage to bear with the Government in Washington. Valid as that assessment may be, Mr. President, it surely does not warrant our hastily designating his birthday as another legal public holiday.

Today, by statute, we have nine Federal holidays, most of which are celebrated on Monday: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving, and Christmas. Only two of the nine are designated for specific individuals. Are we to add to that number? And if we do, are we to designate Martin Luther King, ranking him above everyone else in contributing to the history of this Nation? How can one answer that affirmatively, Mr. President, when we consider the contribution of such towering figures in our history as Thomas Jefferson and Abraham Lincoln? If we enact this measure, we would relegate them—as well as others who could well be named—to a lesser place in the Nation's history, irrevocably, I fear, despite a later and more rational assessment.

I also believe we have more than enough holidays. If we were to add a holiday for Martin Luther King, in the short space of 10 weeks we would be observing no fewer than five public holidays—Veterans Day, Thanksgiv-

ing, Christmas, New Year's, and King's birthday. The cost to the Nation of these holidays is really great. According to the Congressional Budget Office a new Federal holiday observed on a Monday would result in net budgetary expenditures of \$18 million per year, and that does not take into account costs to State and local government or very substantial costs in the private sector. Hundreds of millions of dollars thereby are lost year after year. I submit, Mr. President, our budget and our economy can ill afford the burden of another Federal holiday for Martin Luther King or anyone else.

For these reasons I shall vote "no" on this measure.

ROUTINE MORNING BUSINESS

Mr. BAKER. I ask unanimous consent that there be a brief period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALLISTIC MISSILE DEFENSE

Mr. HEFLIN. Mr. President, it has been reported that several senior administration officials, including Secretary of Defense Caspar Weinberger, have recommended to President Reagan that the United States embark on a vigorous ballistic missile defense program which would include the development of space-based laser weapons. This recommendation comes after several months of intense study by a senior administration interagency group made up of the defensive technology study team, directed by James C. Fletcher, and the future security strategy study, headed up by Fred S. Hoffman. According to preliminary reports on its study, the interagency group has recommended that the United States demonstrate its determination to explore and develop a new strategy to defend against nuclear weapons attack in the form of an advanced technology ballistic missile defense system. This would include the development of space-based laser and other defensive weapons for intercepting incoming missiles. The interagency group has also recommended that development of current, more mature ballistic missile defense concepts be stepped up and that the entire program be brought under a centralized manager within the Department of Defense. This comprehensive approach would reduce the military effectiveness of a Soviet preemptive attack with nuclear armed ballistic missiles.

Mr. President, I applaud the work of the interagency group and its reported recommendations to the President. On April 29, 1983, I addressed this body on the need to accelerate development

of strategic defensive systems through an evolutionary approach that would include near-term ballistic missile defense concepts. In a letter to the President at that time I noted that the BMD of the future should evolve from a series of systems and technologies developed during the 1980's and the 1990's, including advanced sensors and data processing and "smart" missiles capable of intercepting incoming missiles and nonnuclear warheads. Also, for many years I have called for an acceleration of our efforts in the development of laser technology with a coordination of these efforts within a single body. In the future we should be able to use ground-based or space-based, high-energy lasers to destroy ballistic missile targets, as well as other offensive targets. I am pleased that the evolutionary concept and the importance of laser technology to that concept has apparently been endorsed by the interagency group in its recommendations to the President. I look forward to carefully studying the interagency group's report when its complete findings and recommendations are made available to Congress.

Thank you, Mr. President.

OSCAR HOWE, 1915-83

Mr. ABDNOR. Mr. President, four prints hanging on the walls of my office never fail to draw admiring comments from visitors. They are of the genius of South Dakota's artist laureate and preeminent native American artist, Oscar Howe.

His paintings achieved national acclaim and he has been heralded for being a major factor in bringing American Indian art into the mainstream of the modern art world.

As important a contribution as was his paintings, equally notable in his fine career was the inspiration he gave as a teacher—patient, dedicated, always willing to give the extra time and effort to convey a thought or a perspective.

South Dakota lost Oscar Howe October 7. He had valiantly fought Parkinson's disease which forced him to give up painting 5 years ago.

He left us all richer, not only by his contributions as an artist and teacher, but by his fine example as a citizen.

Mr. President, I commend to the attention of my colleagues, some of the editorial tribute paid this great artist of South Dakota and all America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sioux Falls (S. Dak.) Argus Leader, Oct. 11, 1983]

OSCAR HOWE, 1915-83

ARTIST'S CAREER, PAINTINGS WERE AN INSPIRATION TO ALL

Oscar Howe, South Dakota's artist laureate and famed painter of Native American

Indian scenes, left two legacies from a busy lifetime.

He demonstrated extraordinary pluck in achieving his lifetime dream of becoming an artist. His paintings preserve for coming generations a remarkably vivid concept of his people's life on the Northern Plains and their attachment to nature.

Howe, a full-blooded Yanktonai Sioux Indian, born May 13, 1915 at Joe Creek, S.D., on the Crow Creek Indian Reservation, persisted as a youth in following his creative bent despite poverty, illness and frustrations.

He was almost blinded by trachoma at age 10, but recovered and went back to school. Fortunately, he wound up at the Santa Fe Indian School in New Mexico where he took up art under a talented teacher—Dorothy Dunn Draper—and completed high school at 23. This led to an assignment to paint 10 large murals for the Mobridge, S.D., auditorium to depict the history of the Missouri River Basin.

After combat service in World War II Howe returned home to South Dakota and was graduated from Dakota Wesleyan University where he once taught.

He taught at Pierre High School before joining the University of South Dakota faculty in 1957. He was professor emeritus of art and artist in residence at the university where he taught and painted for many years.

Howe's paintings have won recognition from many authorities, among them John Anson Warner of the University of Regina, Saskatchewan, Canada. Warner said last May: "Howe's work has been instrumental toward bringing American Indian art more into the mainstream of the modern art world. It is not an exaggeration to say that without Oscar Howe's audacity of imagination . . . contemporary Indian painting after World War II might have achieved far less progress than it has."

Howe was an innovator. He departed from traditional Indian art to show realistic figures in surrealist poses, using brilliant colors with circles and angles as foreground and background for his figures.

Howe objected strenuously when one of his paintings was rejected from a competition for Indian artists in 1958 because it didn't follow traditional Indian style. He won his point when officials of the Philbrook Art Center of Tulsa, Okla., changed its rules. Many other Indian artists then began to experiment with new styles.

Howe's last five years of life were made difficult by Parkinson's disease, which compelled him to stop painting. He died at age 68 Friday at Vermillion, where his funeral was held yesterday.

Thanks to a thoughtful idea by the University Art Galleries and Oscar Howe Art Center in Mitchell, more than 200,000 viewers in four states were able to see an exhibition of 100 of his works in a year-long tour that ended last June. The exhibit, called Oscar Howe Retrospective, appeared in Sioux Falls and several other South Dakota cities.

Another appropriate honor which came to Howe during his lifetime was the Sioux Falls School Board's action in naming a new elementary school for him.

Howe's response to the audience at the dedication of Oscar Howe Elementary School on Sept. 21, 1980 is reproduced on a plaque at the school. The text of the scroll appears below:

"Friends, I am glad to be here in person for this most memorable occasion. I wish to thank the School Board members, Superintendent John Harris, Principal Dale Erickson, the parents, and the city of Sioux Falls for naming your new elementary school the Oscar Howe School. It is an honor I will always remember.

"I have taught art to young people for about thirty-five years, and I always found my students to be interested and eager to learn. They usually wanted to stay longer in the classroom than they had to. They, in turn, were an inspiration to me.

"Art is one subject in which everyone can participate. You don't have to be talented to enjoy art.

"I am being honored today for something that gives me great personal pleasure and satisfaction. I hope that through my work I have contributed in a small way for a better understanding of two cultures.

"Thank you,

"OSCAR HOWE."

He expressed the hope that through his work he had contributed in a small way to better understanding of two cultures.

His contribution to better understanding was a great one. He will be remembered for his artistic talent and inspiring personal example of achievement.

[From the Mitchell (S. Dak.) Daily Republic, Oct. 12, 1983]

REMEMBERING OSCAR HOWE

Death may have escorted a man of eminent artistic importance beyond our reach, but the wealth of his work left behind has created a legacy that will continue to have an influence on artist and nonartist alike.

On Oct. 7, 1983, Oscar Howe succumbed to his long-time foe, Parkinson's disease, at the age of 68. Yet, in those years, Howe won acclaim from many areas because he was willing to strive for his goals despite the many obstacles set in his path. He came to be recognized as an American artist as well as a native American artist.

His talent was evident from very youthful days and he was trained in a very popular, very traditional style of art. He might even have been very successful had he chosen to remain simply at that level. But the South Dakota artist laureate felt a need for more and strove to unleash those innovative talents within him.

In doing so, he developed more than an individualistic style. Through his own innovative thinking, he created a style which not only spanned the gap between the modern and the traditional, but which at the same time addressed itself to his rich heritage. He was very articulate in his philosophy of taking the best from the native American and merging it with that which is best in the white tradition to come up with a better society.

He chose to do all this at a time when the theme of his work and his approach to his work were unpopular. Instead of allowing the negativism discourage him, he elected to forge ahead and emerge with a constructive beauty and innovative aesthetic. Howe could have been justifiably bitter at having to face such an unfortunate thing as human ignorance, intolerance, bureaucratic insouciance and indifference. But he did not allow this to happen.

What role or to what degree his wife, Heidi, influenced his creativity would be difficult to say. Her affection, strength and support were behind his journey toward excellence.

Mitchell is to be commended for having had the insight to recognize the stature of such an eminent American artist on a plane unmatched by another community. For years this community has claimed him as its own—and to be accepted at home is often a major accomplishment in itself.

This community has paid tribute to Howe during his lifetime, although the artist himself was not one to seek personal glory. More than 10 years ago Mitchell's art center chose to become his namesake and established a gallery in which to house many of his works. A few years later, the mural he completed in the dome of the Oscar Howe Art Center was restored.

More recently, Mitchell's centennial was dedicated to this man. Inside this community's world-famous facility, the Corn Palace, permanent designs were created, the focal one of which was addressed to Howe himself by his former student Arthur Amoitte. Outside, the exterior panels also honored South Dakota's artist laureate.

Finally followed the apex of it all: a retrospective exhibition of his work—co-sponsored by the University of South Dakota Art Galleries—encompassing some 100 of his finest pieces.

Oscar Howe, the man, has passed on to a greater reward. We thank God for providing such a man, such a talent, such an example to regard and respect.

[From the Rapid City (S. Dak.) Daily Journal, Oct. 8, 1983]

OSCAR HOWE DIES AFTER LONG ILLNESS

VERMILLION (AP)—Oscar Howe, 68, who used bright colors and abstract shapes to depict the life and culture of American Indians, died early Friday in a Vermillion nursing home after an extended illness.

Howe, a full-blooded Sioux Indian born in South Dakota, received national awards for his paintings. He had been professor of art and artist in residence at the University of South Dakota since 1957, and his style has been imitated by many of his students.

Funeral arrangements are pending, USD officials said Friday.

He won the Waite Phillips trophy for outstanding contributions to American Indian art, and twice was awarded the certificate of appreciation from the Indian Arts and Crafts board of the U.S. Department of Interior.

His art is in major national galleries. The past year the first major retrospective of Howe's works—100 of his paintings—were on tour in four states, including an exhibition last May at Rapid City's Dahl Fine Arts Center.

Howe hadn't painted since Parkinson's disease affected his coordination in about 1978.

Howe was born May 13, 1915, at Joe Creek on the Crow Creek Indian Reservation. He attended the Pierre Indian School until 1933 and completed high school in 1938 at the Santa Fe, N.M., Indian School.

He returned to teach art at the Pierre Indian School, and in 1940 was assigned to the South Dakota Artists Project, where among other things he painted the interior dome of Mitchell's Carnegie Library with symbolic designs and painted 10 large murals, depicting the history of the Missouri River Basin, for the walls of the new Moberly auditorium.

He spent 3½ years in the U.S. Army during World War II, with combat battalions in North Africa, Italy and Germany. He met the woman he later married, Heidi Hampel, while a corporal in Germany.

He received a bachelor's degree from Dakota Wesleyan University, and a master of fine arts degree in 1954 from the University of Oklahoma.

He taught at Dakota Wesleyan and Pierre High School before joining the USD faculty.

"Until recently, I don't think he was fully appreciated even within Native American art," John Day, dean of Fine Arts at USD, said in an interview earlier this year. "By living in South Dakota he gave up a lot of the opportunities artists have elsewhere to gain a reputation."

Howe is survived by his wife, Heidi; a daughter; three grandchildren, and a brother.

CAR SAFETY

Mr. DIXON. Mr. President, many of my colleagues are aware that the Supreme Court recently issued an important opinion which may hasten the day when safer automobiles will be available to the American public. In Motor Vehicle Manufacturers Association of United States against State Farm Mutual Automobile Insurance Co., the Court held that a 1981 decision by the National Highway Traffic Safety Administration to rescind the automatic crash protection standard was "arbitrary and capricious." The matter has now been returned to the Department of Transportation for further consideration.

As we all know, Mr. President, the automobile exacts a heavy toll in death and injury each year. In fact, this is one of America's most serious public health problems.

The automatic crash protection standard, a regulation promulgated by the Department of Transportation, would result in airbags and automatic seatbelts becoming standard equipment in new cars. It has been estimated that thousands of deaths and serious injuries could be prevented through the use of this technology.

I note that the Senate Appropriations Committee in its report accompanying the fiscal year 1984 Department of Transportation appropriations bill urged the Reagan administration to resolve this issue "so that passive restraints can be made available to the American public at the earliest practicable date." It is a suggestion worth considering.

Mr. President, the Chicago Sun-Times printed an editorial about the Supreme Court decision just prior to the Memorial Day weekend when 437 Americans were needlessly killed in car crashes. I have been informed that 480 people lost their lives during the recent Labor Day weekend. The economic and human consequences of these deaths are staggering.

This editorial bears witness to the need for continuing efforts to improve automobile safety. I ask unanimous consent that it be printed in the

RECORD for my colleagues' consideration.

There being no objection, the editorial was ordered to be printed in the **RECORD**, as follows:

[From the Chicago Sun-Times, June 30, 1983]

VICTORY FOR CAR SAFETY

The National Safety Council estimates that more than 500 people will die on the nation's roads during the coming holiday weekend.

Some of those deaths could be avoided if the requirement for passive restraints—seat belts that automatically lock in place when a motorist closes the car door or air bags that inflate on impact—had been instituted as originally scheduled. But the National Highway Traffic Safety Administration first delayed and then killed that regulation.

Explaining its action, the agency questioned whether it's worth adding \$1 billion a year to the price of automobiles for new equipment, and noted that only 11 percent of American motorists bother to use their manual seat belts.

Last week, the Supreme Court ruled unanimously that the Reagan administration acted illegally. In upholding a lower court decision, the justices said the administration failed to cite good enough reasons for scrapping the car-safety rule.

That's a victory for all of us concerned about that other statistic—the holiday (and everyday) death toll.

THE NEED TO OVERHAUL U.S. TRADE POLICY

Mr. ZORINSKY. Mr. President, yesterday the Senate Agriculture Subcommittee on Foreign Trade Policy held hearings on our deteriorating agricultural trade relationship with the European Common Market. These hearings were illustrative of our frustrations to reach a sensible trade accord with the European Common Market. My conclusion is that there is need for rethinking our agricultural trade policy objectives and the means of achieving them. Hopefully these hearings will contribute toward a solution for this obvious need.

It is obvious that what is happening is not in the interest of the U.S. agriculture nor our national economic interests. As we banter with the European Common Market over export market access, we have faced what we are informed are "non-negotiable" trade issues. The result has been a battle of national treasurers—theirs against ours and ours against theirs.

It is an economic battle that neither the United States nor the Common Market countries can win. Therefore, the need for an understanding of the mutual interests of both sides and an intelligent procedure for resolving our differences is critical.

It is a matter of commonsense to realize that the United States and its trading partners would be better off if we produced and distributed more goods and services in the most economical manner possible, and that the constituencies of the EEC and the

other nations where we have a trade relationship, have common aspirations, needs, and vested interests similar to our own citizens.

In terms of international trade relationships, this means that each country should produce what it can most effectively produce, trading the excess for the excess of goods produced more efficiently by other countries.

This is the premise underlying the economic strength of our Nation's 50 States where goods move freely with a highly mobile labor force to reinforce our common U.S. market.

When the EEC was begun, with great difficulty, it was seemingly an attempt on the part of the nations involved to develop an economic system with the strength of our own Nation.

In the existing way of conducting trade we have a network of human institutions such as laws, custom, investment in plant, and so forth. Every nation has attempted to solve its own problem in its own way. In agriculture the aim has been to raise the relatively low income of farm families.

This continues to be an illusory search as we attempt to save a family farm agriculture in the United States. And yet our national leaders through Democratic and Republican administrations alike continue to voice their support for the family farm and Congress with periodic regularity statutorily underpins the proclamations of our leaders.

Income parity with the nonfarm population remains the goal of U.S. farmers and is also a frequently mentioned goal of farm people in the free nations. As in the United States, basic legislation has been enacted by many nations toward this end.

Our farmers have a direct and important interest in the terms under which imports are allowed to enter the domestic market. For farmers, the advantages gained from the exportation of other farm products and of non-farm products, although of great importance as we have relied on exports for a bigger share of farm income, are in general diffused and indirect, while the competitive nature of supplementary imports is direct and immediate.

It is not surprising, therefore, that farmers and ranchers take the attitude they do toward supplementary imports of agricultural commodities or that they resent obstacles to export outlets that they have come to depend upon for an increasing share of their income. They understand that markets and other institutions are made by man and can be changed by man.

We hear a great deal these days about how a free domestic agricultural economy would promote trade and about the need to reduce the difference between domestic agricultural prices and world prices. Farmers are becoming increasingly aware that this kind of logic is not a true and sincere

representation of agricultural interest nor does it originate with the grass-roots segment of agriculture faced with production costs in excess of market returns.

The fact is that there is no such thing as an automatically operating free market system. Any market is free only within a framework of law, property rights, wealth distribution, trade practices, and other rules of the game, and as was clear from testimony yesterday, each nation plays by a different set of rules.

In our present way of doing things, trade is best carried on where there is a well-defined set of rules in operation. The meaning of this, to me, is clear. It means that the most productive means of promoting greater international economic cooperation is not a futile attempt to establish some kind of mid-Victorian, "dog eat dog" competitive market equilibrium, but rather through the bold, imaginative, conscious building of workable international economic institutions. What we must have is neither this Victorian free market internationalism nor monumental national isolationism.

The correct answer lies in conscious international economic planning and negotiation. An intelligent international approach to the problem rules out reliance on a so-called free international market approach where non-competitive practices are commonplace and where trade barriers develop when communication breaks down. Since what we are doing is not working, I strongly recommend to our trade negotiators that they try a new and different procedure.

The procedures I suggest are negotiated, publicly directed answers for reaching closer international economic integration. For example, I am convinced that the United States calling for tariff elimination, as such, through unilateral action, is neither a sensible or a politically feasible approach.

The Reciprocal Trade Agreements Act, the General Agreement on Trade and Tariff, and the Organization for Economic Cooperation and Development are negotiational types of consciously directed international economic cooperation that should be encouraged.

I do not believe that U.S. farmers who produce for export or who produce commodities that must compete with imports should be asked to bear the full cost, respecting this production, of an intelligent U.S. policy of economic cooperation. I accord the same right and privilege to other domestic raw material and industrial producers.

The benefits of better international economic cooperation accrue to all the people and the temporary costs involved should be borne by all the people. This means that in the case of

both exports and imports, programs and policies should be established, as they have been in the case of the International Wheat Agreement and the Sugar Act program, to spread the costs to all the people instead of putting all of them directly on the small number of producers concerned.

THE PERSON BEHIND FRITZ MONDALE—JIM JOHNSON

Mr. KENNEDY. Mr. President, the September 18 issue of the Washington Post magazine contained an informative and perceptive cover story on Jim Johnson, the able acting chairman of the Mondale presidential campaign.

Although Jim is now earning well deserved national recognition for his skill in directing the Mondale campaign, he is hardly a new face to many of us on both sides of the aisle in the Senate, who have known him since he first came to work in 1972 for our colleague Fritz Mondale. Throughout his years of outstanding service to Senator, Vice President, and now Presidential candidate Mondale, Jim has always had our respect and admiration for the excellence of his work and for his deep commitment to public service and to the cause of economic progress and social justice.

Jim Johnson is also typical of the talent and compassion that many other highly skilled young men and women bring to public service. All of us in the Congress are well aware of the selfless contributions made each day by those who work in our offices and on our committee staffs.

And just as Fritz Mondale relies heavily on Jim Johnson, so the other Democratic Presidential candidates depend on the long hours and tireless leadership of outstanding people such as Sergio Bendixen in the Cranston campaign, Margaret Bethea in the McGovern campaign, Oliver Henkel in the Hart campaign, Billy Keyserling in the Hollings campaign, Jim Krog in the Aske campaign, and Bill White in the Glenn campaign. Whatever the outcome of the Presidential election next year, our country is well served by the unselfish dedication of these men and women.

Mr. President, I believe that all of us who know Jim Johnson will be interested in the article by Lawrence Meyer that appeared last month in the Washington Post magazine, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 18, 1983]
THE MAN BEHIND THE MAN—WALTER MONDALE'S FRONT MAN, BACK MAN AND SHADOW
(By Lawrence Meyer)

According to some reports, Jim Johnson is a clone of Walter F. Mondale. These reports are not true.

For one thing, Johnson is taller than Mondale. For another, Mondale sometimes wears colored shirts, Johnson doesn't.

Mondale is the one running for president. Johnson is the one running Mondale's campaign.

That exhausts the differences.

Both men are, it is true, Protestant Minnesota Democrats of Norwegian extraction.

But it is not true that they never disagree. They do disagree. "You know how they fight?" says one source who knows both men well. "They sit and stare at each other. Two Norwegians."

"I know what he thinks about thousands of things," Johnson says of Mondale, "and I know how he's likely to react to a lot of situations." Johnson knows such things because in the last seven years he has spent more time with Mondale than any other human being, with the exception of Mondale's wife, Joan. When Mondale was vice president under Jimmy Carter, Johnson says, "I was his shadow."

Mondale didn't pick Johnson to run his campaign simply because they share the same Weltanschauung or because Johnson knows what Mondale will want for breakfast without asking (tomato juice and black coffee). Mondale says he picked Johnson because Johnson is smart, thorough (to a fault some say), "ethical" and knows how to get things done.

And though you may never have heard of Jim Johnson, he is working on his fifth presidential campaign, his first as the man in charge. Those credentials don't put him in the public eye, but they make him known to Washington's political establishment, to labor union leaders and politicians all over the country. His imprint has been made in the circles where he operates, his visibility relinquished for the traditional anonymity of the good staff person. But with the presidential season again approaching, all of that is about to change. And if Mondale and he manage to beat the long odds in pursuit of the presidency, Johnson may well be the next White House chief of staff.

Johnson already has his share of trophies: he engineered the crucial Carter-Mondale victory over Edward M. Kennedy in the 1980 Illinois Democratic presidential primary; he was Mondale's road campaign manager in 1976, and he co-directed Edmund Muskie's only clear-cut victory (in Illinois again, in 1972) in what was otherwise a disastrous campaign.

Mondale refers to Johnson's "brilliance." John Reilly, a longtime friend and adviser to both Johnson and Mondale, says Johnson is "the best pol I've ever met . . . He doesn't understand just the delegate-selection process in Iowa or Washington, he understands how the issues play, what the messages are. Most people go past a Y in the road and make a choice in politics—they become either an issues guy or someone who does nothing but politics; but the combination is unique."

At 39, Johnson is too old to be called a Boy Wonder. But he remains the embodiment of the clean-cut, earnest college student interested in good government and working through the system to change it.

He is frank to say that he wants power, and he has it, presiding over a growing staff of about 90 and a campaign treasury already approaching \$10 million. Yet he is confident enough of his standing with Mondale that he invites other campaign aides who disagree with him on a major decision to take their case directly to the candidate.

Politics can be poker or it can be chess. Jim Johnson is a chess player. As a result,

he has been criticized for being cerebral in what others see as an essentially emotional business. He is not, one critic points out, "sweating and ethnic" in the classic Democratic mold, but rather is a man who fails to appreciate that political battles are won in the souls and not the brains of the electorate.

"I am not," Johnson says with monumental understatement, "what you would call 'trendy.'" This revelation comes from a man who invariably wears a white, button-down shirt with a rep tie, plain black shoes, a conservative, dark suit and horn-rimmed glasses. Although his curly hair is graying, his face is still relatively unlined, so he seems both youthful and mature at the same time. When he smiles, as he frequently does during conversation, his slightly prominent canine teeth give him the appearance of a puckish Count Dracula. In fact, despite the Organization Man appearance and reserve, Johnson has a droll sense of humor and is not above dropping an occasional expletive into his conversation or bluntly describing former Chicago Mayor Jane Byrne, for example, as a "total nut."

By reputation he has all the spontaneity of a diamond cutter. He makes his way through the day consulting lists on a yellow legal note pad and 6 1/4 by 3 1/4 personalized index cards. Raymond Calamaro, a former Carter administration official and a partner in the law firm of Winston & Strawn (the same firm where Mondale's name is now on the letterhead), says that when Johnson gets up in the morning, "He lays his sentences out for the day."

Johnson works seven days a week now—12 hours a day during the week and earns a consulting fee of \$3,000 a month from the campaign, plus a salary from his own company. His life is insular. Divorced after a brief marriage more than 10 years ago, he now dates Mondale's campaign press secretary, Maxine Isaacs. His apartment is directly across the street from his office, less than two minutes door-to-door. Johnson furnished his three-room duplex with tweedy, comfortable couches and chairs, oriental carpet, contemporary art, objects d'art he has bought while traveling and five televisions (three color sets in his study so he can watch all three networks simultaneously, a black-and-white set in his bedroom and a Sony Watchman he displays with some chagrin, explaining that a friend brought it back from Japan).

He enjoys traveling and manages to get to London at least once a year. He plays tennis year round, eats out almost nightly and drives a bronze Cimarron Cadillac. He says he did not mind, when he worked in the White House, eating supper alone because—after 40 or 50 encounters in the course of the day—he suffered from "transaction fatigue, so that 'How are you?' at the end of the day becomes a hostile question."

It was foreordained that Johnson would go into politics: his family, his education, his experience, inevitably led him to where he is today. But was it also inevitable that he would choose to devote the better part of a decade performing, in his words, in the shadow of another man?

Despite the elegant taste reflected in his apartment and his penchant for travel, Johnson's origins were distinctly middle class. He was born and raised in Benson, Minn., "Home of Four Thousand Friendly People." Johnson's father, Alfred Ingvald Johnson, was a small-town businessman and a member of the Minnesota legislature for 18 years, served two terms as Speaker of the

House and narrowly missed election to Congress in 1958. "I came from a very political family," Johnson explains. Almost every Saturday night A. I. Johnson's eight brothers and sisters got together, "and inevitably the conversation was politics."

Johnson has spent his whole life aiming in that one direction. "He was," recalled a Princeton classmate, Ira Silverman, "surely the most political of the students in the sense that he was involved in partisan politics and also in the sense that he aspired to be active in politics."

In the late '60s and early '70s, when other idealistic young men and women his age were still going into the Peace Corps, Johnson opted for politics at the national level, working in the McCarthy campaign in 1968 and the Muskie campaign in 1972. "It was sort of a micromacro thing," he explains. "I thought I could have more impact in changing things by getting involved in public policy—getting more money for the Peace Corps rather than being a volunteer in it."

Before working on the McCarthy and Muskie campaigns, Johnson was a vice president of the National Student Association. He has a bachelor's degree from the University of Minnesota and a master's degree from the Woodrow Wilson School of Public and International Affairs at Princeton University. (He also taught there and worked as an administrator.)

When Muskie all but dropped out of the 1972 campaign, Johnson—with the blessing of Muskie officials—went to work for the McGovern campaign. He never felt comfortable there. The day after the 1972 Democratic convention ended in Miami, Johnson joined Mondale, who was running for reelection to the Senate and has been with him—or no more than a plane ride away—for the last 11 years.

He has taken the title of "acting chairman" of the Mondale for President committee. He now sits in a distant corner of Winston & Strawn law firm, not more than 10 seconds from Mondale's office. The "acting" designation, Johnson says, was his idea in order to give some Democratic luminary a titular role later on, but no one doubts that he is very much in charge of the campaign.

After Carter lost to Ronald Reagan, Mondale asked Johnson to stay close so that they could continue to work together. Johnson set up a political consulting firm, Public Strategies, with Richard Holbrooke, Assistant Secretary of State for East Asia under Carter and leased space from Mondale's firm.

The Mondale-Johnson relationship has none of the master-slave quality that often prevails between politician and aide in Washington. "It's a relationship that's pretty straightforward," says Johnson. "I clearly work for him. It's not that we're equals. On the other hand we've spent so much time together that we communicate easily back and forth, and I think there's a real minimum of my sort of shaving bad news or not confronting difficult subjects."

Johnson's style is too reserved to provide his friends with the stuff of hilarious or revealing anecdotes. That is not to say that he has no sense of humor. When asked to contribute to a recipe book, "Minnewaska Memories," being prepared for a family reunion, Johnson donated two of his favorites: "Hot dogs and Tab" and "Palm Steak."

The Palm Steak: "Go to the Palm Restaurant at 1225 19th St. NW, Washington, D.C. 20047. Wait to be seated. Tell waiter you would like a Palm steak. Wait for approximately 25 minutes. Eat steak. Pay waiter."

Jim Johnson likes control. He does not like surprises.

He does not indulge himself by losing his temper. He is too measured to let go that way. When he speaks to a group of Washington political insiders, discussing the campaign, he uses only one-word references on a note card to guide him, yet his presentation sounds as though he were reading from a prepared text. Presiding over a meeting of the campaign staff, he controls the discussion, making sure that all points are heard without letting the meeting wander. Frequently, when he thinks a proposal has not been sufficiently considered, he invokes his favorite admonition: "staff it out"—short-hand for anticipating all the consequences before making a decision.

When decisions are needed, he is "not an agonizer," he says. "I make decisions very easily. I come down somewhere. I don't look back." His meetings begin and end on time.

Johnson's organization of the campaign frees him from daily details. He can take the longer view, trying—among other things—to strike the most productive balance in dividing Mondale's time between campaigning and raising money. For Johnson the equation is simple but crucial: Mondale has a finite amount of time. A campaign demands that the candidate make public appearances and that he raise money. Too much time spent campaigning can mean too little money. Too much time spent raising money can mean too little exposure for Mondale.

Johnson is disposed by nature and by his job to be constantly calculating, a characteristic that is not always endearing. In negotiations, he concedes, "people find me capable of cold declarative sentences." He is also aware that Mondale's reserve may blur the candidate's image, "but whether more progress could be made through a hotter environment, I don't know. Who the hell knows? I mean the thing about Mondale is that Mondale likes politics. And if you go out with him, and he's mixing it up with the ward bosses or the unions or the people in the street or whatever, it feels like communication. It doesn't feel like pristine, namby-pamby s---. It feels like the real thing."

The question, Johnson says, is whether his approach helps or hurts. "On any given day I either make situations turn out right or I don't make them turn out right." His own evaluation: "that it's pretty successful."

Johnson says he "feels strongly" about his political beliefs. When asked to reveal those deep convictions though, he becomes self-conscious "because you sound either like a Fourth of July speech or a Grade B movie about politics." He says he is worried about nuclear war and the country "being blown up," and discrimination of all kinds angers him. "There is a lot in me that makes me mad about that," he says. "It's pretty visceral."

Nonetheless, Johnson comes across not as the true believer but as the technocrat fascinated by the process—a man without passion.

That Johnson has devoted most of his time and energy over the past seven years trying to make Walter Mondale the most important man in America does not bother him. "I don't think my life is getting away from me, and I don't think I'm going to wake up one day and say, 'What have I done?' * * * If you said to me, 'Here is an alternative life,' or 'Here is an alternative career' or 'Here is an alternative way of doing all of this, which would you choose?' I have absolutely no question what I would

choose: Working in the White House, working to elect someone president of the United States, having fun at it, and in the process standing up for what you believe in is—great. I wouldn't trade."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 201. A resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

By Mr. TOWER, from the Committee on Armed Services, without amendment:

S. 1944. A bill to allow the obsolete submarine U.S.S. *Albacore* to be transferred to the Portsmouth Submarine Memorial Association, Inc., before the expiration of the otherwise applicable 60-day congressional review period.

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 121. A bill to establish as an executive department of the Government of the United States a Department of Trade, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

MacDonald G. Becket, of California, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1984; and

Kyle Clayton Boone, of North Carolina, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1984.

(The above nominations were reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. TOWER, from the Committee on Armed Services:

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: In the Army Reserve there are seven appointments to the grade of major general and below (list begins with Vernon J. Andrews), Rear Adm. Albert J. Baciocco, Jr., U.S. Navy, to be vice admiral, and Rear Adm. Thomas J. Hughes, Jr., U.S. Navy, to be vice admiral. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Navy there are 3 permanent promotions to the grade of commander and below (list begins with Robert E. Riera, Jr.) and in the Army there are 2,240 permanent promotions to the grade of lieutenant colonel (list begins with William A. Abel). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of October 3 and October 14, 1983, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON:

S. 1954. A bill to apply duty-free treatment with respect to articles exported for purposes of rendering certain geophysical or contracting services abroad and returned; to the Committee on Finance.

By Mr. HEINZ:

S. 1955. A bill to amend the Internal Revenue Code of 1954 to eliminate the mandatory retirement age for Tax Court Judges; to the Committee on Finance.

By Mr. INOUE (for himself, Mr. MATSUNAGA, Mr. STEVENS and Mr. MURKOWSKI):

S. 1956. A bill to amend section 8(a) of the Small Business Act; to the Committee on Small Business.

By Mr. MATSUNAGA:

S. 1957. A bill to the relief of the heirs, successors, or assigns of Sadae Tamabayashi; to the Committee on the Judiciary.

S. 1958. A bill for the relief of Commander Bernard E. Hartnett, United States Navy; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself and Mr. INOUE):

S. 1959. A bill for the relief of Judge Louis LeBaron; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

S. 1960. A bill to permit the vessel Scuba King to be documented for use in the fisheries and coastwise trade of the United States;

to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON:

S. 1961. A bill for the relief of William G. Riplinger; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself and Mr. EAGLETON):

S. 1962. A bill to amend part B of title XVIII of the Social Security Act with respect to information on physician assignment practices under the medicare program; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mr. PELL):

S. 1963. A bill to amend the Intelligence Authorization Act for fiscal year 1984 to prohibit United States support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America; to the Select Committee on Intelligence.

By Mr. LEVIN:

S. 1964. A bill for the relief of Maria Theresa Chung; to the Committee on the Judiciary.

S. 1965. A bill for the relief of Akram Yoursif; to the Committee on the Judiciary.

S. 1966. A bill to make certain amendments to title 18, United States Code, relating to rights of witnesses appearing before grand juries; to the Committee on the Judiciary.

By Mr. MELCHER:

S. 1967. A bill to compensate the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community for irrigation construction expenditures; to the Select Committee on Indian Affairs.

S. 1968. A bill to establish the National Institute for the Biological Assessment of Nuclear Explosions; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON:

S. Res. 244. Resolution to refer S. 1961 to the Chief Justice of the United States Court of Claims; to the Committee on the Judiciary.

By Mr. SARBANES (for himself and Mr. MATHIAS):

S. Res. 245. Resolution to congratulate the Baltimore Orioles on winning the World Championship; placed on the Calendar by unanimous consent.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSTON:

S. 1954. A bill to apply duty-free treatment with respect to articles exported for purposes of rendering certain geophysical or contracting services abroad and returned; to the Committee on Finance.

TARIFF TREATMENT OF CERTAIN ITEMS

● Mr. JOHNSTON. Mr. President, I am today introducing legislation to resolve a very anomalous situation in

our tariff laws. Currently, many offshore navigation companies conduct their offshore activities with foreign-made equipment with unique operating and performance characteristics. This equipment is used in both domestic and foreign operations by these companies.

The companies owning and operating this equipment obviously must pay an import tariff upon this equipment when it is first brought into the United States. However, under current law as interpreted by the U.S. Customs Service, each time the equipment in question is taken outside of the territorial boundaries of the United States and later returned to the United States the company owning such equipment must again pay a duty, notwithstanding the fact that duty was paid upon the initial importation.

The inequity of this situation is obvious. The multiple imposition of duties is not only unfair to these companies, but it impedes their ability to be competitive in the provision of services in a world market.

The purpose of the measure that I introduce today is to allow the duty-free reentry of foreign manufactured equipment being returned to the United States after temporary use abroad in conjunction with geophysical activities including the exploration, development, or production of natural resources.

Certain qualifications attach to this reentry, however. The first is that a duty must have previously been paid upon original importation of the equipment. The second is that the equipment must be returned to the United States by the party who caused its exportation. Accordingly, this legislation would only serve to relieve parties of multiple application of the duty, not the initial payment of the duty. It would thus resolve the inequities of the current law and facilitate the international service operations of a number of navigation companies on the Louisiana-Texas gulf coast. Finally, I would note that this proposal is consistent with other provisions of the Tariff Act which allow the duty-free reentry of goods temporarily exported.

I ask unanimous consent that the full text of this measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 1 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately before item 802.30 the following new item:

"802.50 Rendition of geophysical or contracting services in connection with the exploration for, or the extraction or development of, natural resources. Free....."Free".

Sec. 2. The amendment made by the first section of this Act shall apply with respect to articles exported from the United States on or after the date of the enactment of this Act.●

By Mr. HEINZ:

S. 1955. A bill to amend the Internal Revenue Code of 1954 to eliminate the mandatory retirement age for Tax Court judges; to the Committee on Finance.

ELIMINATING MANDATORY RETIREMENT AGE FOR TAX COURT JUDGES

Mr. HEINZ. Mr. President, today I am introducing a bill to amend section 7447(b)(1) of the Internal Revenue Code of 1954 to eliminate the mandatory retirement age for Tax Court judges. Currently, there is a discrepancy between the legislative history and the statute as to whether Tax Court judges were intended to be included within the group of Federal employees for which mandatory retirement was eliminated in the 1978 amendments to the Age Discrimination Employment Act (ADEA). This legislation is needed so that the present status of Tax Court judges—of who several are approaching the age of 70—is made explicit with respect to mandatory retirement. Congressman MATSURI has introduced identical legislation in the House of Representatives. I understand that the House Ways and Means Committee unanimously adopted the provision as part of their omnibus tax bill on October 4.

Mr. President, in 1967 Congress passed the ADEA which prohibited discrimination in employment based on age. It applied generally to individuals in the private sector. In 1974 Congress amended the ADEA to include within its scope Federal, State, and local government employees, and in 1978 Congress further amended the ADEA by eliminating mandatory retirement in Federal employment. The legislative history makes it clear that Tax Court judges were intended at least by the House to be within the group of Federal employees for which mandatory retirement was eliminated.

... Mandatory retirement would be eliminated for the great majority of jobs in the civil service, for positions in the foreign service, for tax court judges, District of Columbia public school teachers, District of Columbia judges, the United States Comptroller General, and the Director of the Federal Judicial Center among others. However, the current provision in section 15(b) which allows the Civil Service Commission to establish maximum age requirements when such age is a bona fide occupational qualification necessary for the performance of a job would remain... (H. Rept. No. 95-527, 95th Cong., 1st Sess. 11(1977).)

However, the statute appears not to exempt Tax Court judges; it refers only to units of the legislative and ju-

dicial branches of the Federal Government having positions in the competition; 29 U.S.C. 633(a).

... SEC. 633(a). Nondiscrimination on account of age in Federal Government employment.

(a) FEDERAL AGENCIES AFFECTED.—All personnel actions affecting employees or applicants for employment who are at least 40 years of age (except personnel actions with regard to aliens employed outside the limits of the United States) in military departments as defined in section 102 of title 5, United States Code (5 USC 105) (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Rate Commission, in those units in the government of the District of Columbia having positions in the competitive service, and in those units of the legislative and judicial branches of the Federal Government having positions in the competitive service, and in the Library of Congress shall be made free from any discrimination based on age.

In eliminating mandatory retirement for employees generally, the Senate recognized that a new awareness has developed concerning age discrimination. The American public and employers have been reeducated about the vast reservoir of talent older people have to offer to the social and economic development of our society. The expressed purpose of the 1978 legislation supports the view that Tax Court judges should likewise be exempt from mandatory retirement. However, section 7447(b)(1) currently imposes a mandatory retirement age of 70 on Tax Court judges. That section which was enacted long ago, is effectively obsolete in light of the intent and purpose of the 1978 legislation prohibiting discrimination in employment on account of age.

This position is further supported by recent legislation. In 1981 Congress amended section 7443, Internal Revenue Code 1954, to eliminate the ban on initial appointments of individuals age 65 or older as U.S. Tax Court judges. The reason for the change was that such a ban conflicted with Federal policies against age discrimination and could deprive the Tax Court of experienced personnel. This legislation and the reasons behind it simply reflect congressional concern that qualified and able judges should be allowed to continue in the same capacity regardless of their age. Moreover, it would seem to me highly unusual to allow the appointment of a Tax Court judge older than 65 only to require him to retire at age 70.

Additionally, the recent social security amendments, although clearly applicable to active Tax Court judges, raise certain questions with respect to judges who stay on after retirement. Although retired pay is not salary for social security purposes, it is unclear whether a retired judge is thereby precluded from acquiring social security

quarterly credits necessary for qualification.

Therefore, the mandatory retirement provision may prevent some of the older judges from fully qualifying for social security coverage although they are required to pay into social security up to age 70. Furthermore, special trial judges of the Tax Court who hear small tax cases, deficiencies less than \$5,000, as Federal employees in the competitive service, are exempt from mandatory retirement. My bill would eliminate mandatory retirement for all Tax Court judges, and I believe such a provision is entirely consistent with recent legislation. Indeed, it appears that it may be an inadvertent omission that Tax Court judges have not already been exempted.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 7447(b) of the Internal Revenue Code of 1954 (relating to retirement of Tax Court judges) is amended to read as follows:

"(1) Any judge may retire any time after attaining the age of 70."

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

By Mr. INOUE (for himself, Mr. MATSUNAGA, Mr. STEVENS, and Mr. MURKOWSKI):

S. 1956. A bill to amend section 8(a) of the Small Business Act; to the Committee on Small Business.

SMALL BUSINESS ACT AMENDMENT

● Mr. INOUE. Mr. President, today, I, together with my colleague from Hawaii, Senator MATSUNAGA, and my colleagues from Alaska, Senators STEVENS and MURKOWSKI, are introducing legislation to amend section 8a of the Small Business Act to incorporate the unique and often disadvantageous circumstances which noncontiguous areas, such as Hawaii and Alaska, are often placed in by statutes which fail to take these regional differences into account.

The impetus for my decision to draft this legislation was a case which was brought to my attention involving a machinery company in Hawaii which placed a bid for a small business set-aside contract with the Coast Guard. Although this company is not classified as a small business concern, it appears to have had the capability to supply the procuring agency—in this case, the Coast Guard—with the desired product. Because, however, there were no qualifying firms available in Hawaii, under the current terms of the

Small Business Act, the Coast Guard was compelled to go to the west coast to fulfill the contract rather than solicit business from the nonqualifying company. In so doing, it is likely that the costs of doing business were raised substantially, since added transportation costs are naturally incurred.

I feel that the procuring agency should be able to take advantage of the availability of local firms which might be able to provide the same product or service just as economically, or more economically, than an out-of-State "qualifying" firm. Our proposed measure is nonbinding, so it should not be construed as a breach in the setaside for small business. It is simply aimed toward adjusting the Small Business Act to take the special needs of the noncontiguous States such as Hawaii and Alaska into account and encourage the continued growth and development of our local economies. This measure is not intended to give preferential treatment to nonqualifying businesses, but it will allow them to compete on an equal basis with qualifying firms in the continental United States.

Mr. President, I urge Congress to act promptly on this bill, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(a)(1) of the Small Business Act (15 U.S.C. 637(a)(1)) is amended by adding at the end of subparagraph (C) the following: "Before providing for the performance of a procurement contract as provided by this subparagraph, the Administration and the head of the procuring agency shall, for any procurement in a State outside the continental United States or area outside the continental United States, take into account the availability of eligible concerns in such area and any increase in transportation or other costs which would result if no eligible concerns are available in such State or area.".

● Mr. MATSUNAGA. Mr. President, I am pleased to join my senior colleague from Hawaii, (Mr. INOUE), as a cosponsor of S. 1956, a bill to amend section 8(a) of the Small Business Act.

The bill we are introducing today is intended to address a problem faced by noncontiguous areas of the United States such as Hawaii, Alaska, Guam, and Puerto Rico. Under section 8(a) of the Small Business Act, the Small Business Administration (SBA) serves as a prime contractor for Federal goods and service purchases. The SBA then subcontracts this Federal work to small firms owned by socially and economically disadvantaged persons.

Under present law, Hawaii has faced the situation where local firms competing for bids have been denied sec-

tion 8(a) SBA contracts which have gone, instead, to west coast companies. Whenever local firms failed to meet all the specifications for qualification under the section 8(a) program, the procuring agency has been forced to go to the mainland to obtain its desired product. Since there are substantial transportation costs associated with contracting with mainland agencies, Hawaii and other States in a similar position are often faced with a unique and significant financial burden. Our bill—which is nonbinding—would allow but not require procuring agencies in noncontiguous States to contract with nonqualifying local firms when there are no local qualifying firms available.

Mr. President, our bill is in no way intended to undermine the Small Business setaside program. It is a nonbinding bill which is designed to allow more flexibility in the Small Business Act so as to take into account the special needs of noncontiguous States. In doing so, this bill would promote the development of the local business communities in these States.

I urge early and favorable action by the committee of jurisdiction on S. 1956.

By Mr. GORTON:

S. 1961. A bill for the relief of William G. Riplinger; to the Committee on the Judiciary.

RELIEF OF WILLIAM G. RIPLINGER

● Mr. GORTON. Mr. President, today I introduced a resolution and private bill for the relief of William G. Riplinger of Seattle, Wash. The purpose of this legislation is to refer Mr. Riplinger's case to the U.S. Court of Claims for findings of fact and recommendations regarding the amount which equitably may be due Mr. Riplinger from the United States. This legislation would not require any appropriation at this time. It would merely refer the matter to the Court of Claims for a hearing on Mr. Riplinger's case.

On November 22, 1977, William G. Riplinger was offered the position of contract price analyst, grade GS-11, step 10, with the U.S. Navy's Supervisor of Shipbuilding, Conversion and Repair (SupShips) in Seattle. He accepted, resigned from a position in private industry, and reported to his new job on December 3, 1977.

On reporting for work, Mr. Riplinger was informed that his actual appointment would be as grade GS-11, step 1. The U.S. Government admits that, due to administrative error, the Consolidated Civilian Personnel Office (CCPO) of SupShips failed to request authorization to appoint Mr. Riplinger to the 10th step of GS-11. On December 16, 1977, the personnel director of CCPO requested the required approval from the Seattle regional office, but the request was denied.

On February 8, 1978, the commander of the Naval Sea Systems Command requested approval of the step increase from the Civil Service Commission, which granted approval on March 23, 1978. However, back pay for the period from December 3, 1977, to March 23, 1978, was denied. Mr. Riplinger seeks \$1,641.12, which represents the difference between the pay he would have received had he been placed in step 10 of GS-11 as of December 5, 1977, instead of March 23, 1978, and the pay he actually received.

Mr. Riplinger initiated litigation to recover this back pay, but was denied relief in Federal court. The Ninth Circuit Court of Appeals noted in its opinion that "all parties admit the correctness of Riplinger's factual recitals, and all should admit the equity of his claim, but it is well-settled that the law provides no relief."

A private relief bill is the only avenue available for Mr. Riplinger to receive the equitable relief he deserves. I therefore urge the prompt and favorable consideration of the resolution and bill for the relief of Mr. Riplinger.

By Mr. RIEGLE (for himself and Mr. EAGLETON):

S. 1962. A bill to amend part B of title XVIII of the Social Security Act with respect to information on physician assignment practices under the medicare program; to the Committee on Finance.

PHYSICIAN ASSIGNMENT PRACTICES UNDER MEDICARE

● Mr. RIEGLE. Mr. President, today I am introducing for myself and Senator EAGLETON the companion bill to H.R. 4077, legislation mandating the publication of a list that is presently being compiled by the Health Care Financing Administration of physicians who have agreed to accept assignment in treating all medicare beneficiaries and a list of other physicians indicating the percentage of medicare patients such physicians accept on an assignment basis. I believe this new information, which is currently unavailable to the general public, will significantly help medicare beneficiaries in making more informed decisions concerning their health care expenditures.

S. 1962 would mandate the publication of one list of all physicians indicating the number of medicare beneficiaries treated and the percent of those patients for whom medicare payment was accepted on an assignment basis in the preceding year. In addition, this legislation would also mandate the promulgation of a second list of physicians who have agreed to accept assignment for all services to be furnished for the subsequent year.

Medicare covers 80 percent of physician services based upon usual, customary, and reasonable charges set by

the Federal Government. Since only 55 percent of the actual physician's charges for the elderly's health needs are in line with medicare coverage, 45 percent of actual physician charges exceed the coverage limit. This is not surprising given that only about 18 percent of physicians always accept assignment while approximately 30 percent never accept assignment. For those elderly patients who suffer the financial limits of a fixed income and who consequently wish to insure the most cost-efficient expenditure of their health care dollars, it should prove extremely useful to provide them with a list of those physicians who accept assignment.

Mr. President, the legislation I am introducing today follows H.R. 4077 introduced on October 4, 1983, by Congressman WAXMAN, chairman of the Subcommittee on Health and the Environment, Committee on Energy and Commerce. A similar provision was included as section 223 of the Senate-reported measure S. 951, providing health care benefits for unemployed workers. My reasons for recommending the slightly different course developed in H.R. 4077 is to assure that the most complete information is available to the largest number of medicare beneficiaries. The secretarial flexibility provided for in section 223 of S. 951 might result in the promulgation of a list of little value to medicare beneficiaries. There is no reason to provide the Secretary with the ability to arbitrarily exclude specific physicians from these lists and therefore from public accountability. In short, the kind of lists required in H.R. 4077 and S. 1962 may result in a larger pool of physicians from which medicare beneficiaries may choose than that which would result from the provisions contained in section 223 of S. 951.

The fact that I am proposing slight modifications in the Senate reported version should not detract from the potential importance of this effort to supply medicare beneficiaries with essential information helping them to make more informed decisions concerning the cost of their health care. It is important to again point out that the information we are requiring in this legislation is already collected by the Health Care Financing Administration as part of the regular auditing and billing procedures. We are simply requiring that it be made available, in a usable form, to the general public enabling the individual medicare patient the opportunity to make more informed decisions concerning the use of his or her health care dollars.

Mr. President, I ask unanimous consent that the text of S. 1962 be printed in full in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1842 of the Social Security Act (42 U.S.C. 1395u) is amended by adding at the end the following new subsections:

"(1)(1) The Secretary shall compile annually a list of physicians serving individuals enrolled under this part indicating the share (by decile or quartile) of claims which each physician has accepted on an assignment basis (described in subsection (b)(3)(B)(ii)) in the preceding year.

"(2) The Secretary shall make available the information compiled under paragraph (1) for the local geographic area in each office of the Social Security Administration no more than six months after the end of each year and, upon request, by mail from each carrier. The Secretary shall, when such information becomes available annually notify each individual enrolled under this part of the availability of such information.

"(j)(1) The Secretary shall publish annually a list of all physicians who have agreed in accordance with this subsection to accept payment under this part on the basis of an assignment (described in subsection (b)(3)(B)(ii)) for all services furnished under this part during the following twelve-month period to individuals enrolled under this part.

"(2) To permit the publishing of the list provided under paragraph (1), the Secretary shall annually, before the beginning of the twelve-month period offer physicians a reasonable opportunity to sign an agreement that they will accept payment under this part on the basis of an assignment (described in subsection (b)(3)(B)(ii)) for all services furnished under this part during the following twelve-month period to individuals enrolled under this part.

"(3) The Secretary shall annually provide to each individual enrolled under this part and residing in a local geographic area a copy of the list of all physicians in that area who have signed such an agreement for the following twelve-month period."

By Mr. LEVIN:

S. 1966. A bill to make certain amendments to title 18, United States Code, relating to rights of witnesses appearing before grand juries; to the Committee on the Judiciary.

RIGHTS OF WITNESSES BEFORE GRAND JURIES

● Mr. LEVIN. Mr. President, today I am reintroducing a bill I introduced on April 27, 1983, to allow witnesses called before a Federal grand jury to be accompanied by an attorney. The revisions in the bill I am introducing today make improvements in S. 1150, based on suggestions I have received since the bill was introduced.

First, this bill differs from S. 1150 relative to multiple representation of witnesses called before a grand jury. Rather than prohibiting multiple representation, this bill would provide the court with authority to order separate representation of witnesses where it determines that "the exercise of the independent judgment of the lawyer on behalf of one of the clients will be or is likely to be adversely affected by his representation of another client."

Second, the bill I am introducing today does not contain subsection (f) of S. 1150, relating to representation of indigent witnesses. I believe the question of whether counsel should be provided for indigent witnesses called before a Federal grand jury, and if so, what sanction should be applied where an indigent witness is not appointed counsel, is a matter more appropriately addressed after hearings have been held in the Senate Judiciary Committee. ●

By Mr. MELCHER:

S. 1967. A bill to compensate the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community for irrigation construction expenditures; to the Select Committee on Indian Affairs.

INDIAN COMMUNITY IRRIGATION EXPENSES

● Mr. MELCHER. Mr. President, today I am introducing a bill to compensate the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian community for irrigation construction expenditures. ●

By Mr. MELCHER:

S. 1968. A bill to establish the National Institute for the Biological Assessment of Nuclear Explosions; to the Committee on Governmental Affairs.

NATIONAL INSTITUTE FOR THE BIOLOGICAL ASSESSMENT OF NUCLEAR EXPLOSIONS ACT

Mr. MELCHER. Madam President, today I am introducing a bill to create a National Institute for Research, Evaluation and Assessment of the effects on all life on Earth from nuclear explosions. The purpose of this bill is to establish an independent National Institute to study and promote the study of the simulated worldwide effects of nuclear blasts, accompanying firestorms and fallout resulting from nuclear explosions, and to disseminate the findings of the Institute to the American people and the Government.

The need for this Institute became apparent during recent debates in the Senate on the questions of deployment of the MX missile and the deployment of more nuclear weapons in Europe. Despite the 40,000 nuclear weapons in the world, we know very little about the possible effects of nuclear explosions on human, animal, and plant life or on the soil, the aquatic environment, the natural territorial ecosystems, the atmosphere or the weather.

The limited studies available cause us to conclude that the consequences of nuclear war would be far more devastating to the Earth and threatening to life than we had previously suspected. During the past four decades of the progressive buildup of nuclear weapons, we have become aware of the terrible destructive power which we are amassing as we continue to add to our nuclear arsenals.

I believe that an immediate and concentrated research effort needs to be undertaken by the Federal Government in order to focus the attention of the American public on the possible effects of nuclear explosion or war. Accurate information on this issue is necessary. Our knowledge is not likely to accumulate very rapidly if left to the chance findings and research of scientists working privately on their own.

The information that is available is very scarce and does not begin to provide a comprehensive overview of the long-range effects of nuclear explosion. Over the last 8 years there have only been three major studies on the effects of nuclear explosions, so what information there is is becoming rapidly outdated by new weapons and warheads.

The first study made on nuclear explosions is contained in four volumes of the "United States Strategic Bombing Survey" and investigates the effect of the two atomic bombs dropped on Hiroshima and Nagasaki. The study was made between 1945 and 1947, and it is interesting to note that one of the vice-chairmen of the survey team was Paul H. Nitze, who is currently the U.S. representative to the intermediate range nuclear forces talks in Geneva.

The survey's study describes the effects of the atomic bomb explosions at Hiroshima and Nagasaki. The study tabulates the human casualties and the effects of the blasts on medical facilities, sanitation, food and nutrition, communicable diseases, industrial health and hygiene, physical structures, machinery, equipment, utilities, bridges and transportation systems. Additionally, it recorded the effects on medical staff and civil defense workers after the blast and firestorm who gave aid and assistance during and after the radioactive fallout.

This study is the only real factual examination of what happens to life and the biosphere when exposed to nuclear explosions. All subsequent studies in this area have relied heavily on its findings. The two atomic bombs used at Hiroshima and Nagasaki were 12.5 kilotons and 22 kilotons, respectively. The effect of those two nuclear explosions of that size caused the instant deaths of 95,700 and casualties of 130,000, of which one-half died later. Loss of animals, contaminated food and water, a breakdown in medical care, communications and sanitation also resulted from the blast. Then radioactive fallout injured 10,000 people.

The size and power of nuclear weapons have increased to 500 kilotons in a Minuteman III and up to 9,000 kilotons in a Titan II—450 times greater than either of the initial blasts at Hiroshima and Nagasaki.

The total amount of megatons of either the allied or Soviet arsenals ex-

ceeds 7,000,000 kilotons. Yet since 1945 little has been added to the total knowledge of the effects of nuclear devastation.

A basic study entitled "The Effects of Nuclear Weapons" was published in 1950. It was prepared by the U.S. Departments of Defense and Energy and edited by Samuel Glasstone and Philip J. Dolan, and is now in its third edition with the 1977 revision. Its findings are based on laboratory studies, theoretical calculations, computer simulations and the results of DOD atmospheric nuclear tests conducted in the Pacific in 1962. Much of the study concentrates on projected structural damage caused by the actual blast and on new research on the electromagnetic pulse and its effects. Only a very small section is devoted to the biological effects of nuclear explosions on humans and on farm animals and plants.

The strength of the study appears to be its explanation of the general principles of nuclear explosions, which is understandable to the layman. However, the discussion of actual test explosions is limited because of the inexactness of measuring and describing their effects. The editors expressly admit that the effects vary with the design of the weapons used. Where two weapons may have the same explosive energy yield, Glasstone and Dolan say that the effects could be "markedly different."

A more significant study was the 1975 report entitled "Long-Term Worldwide Effects of Multiple Nuclear Weapons Detonations" which only consisted of the proceedings of a 5-day workshop convened by the National Academy of Sciences for the purpose of addressing the long-term, worldwide consequences of a hypothetical nuclear exchange. Different panels worked independently to examine the possible effects of such an explosion on the atmosphere and climate, the terrestrial ecosystems, agriculture and animal husbandry, and the aquatic environment. The possible consequences of an explosion on humans concentrated on the genetic effects, and gave scant attention to the immediate consequences of devastated life and the whole life support system.

This National Academy study is limited. The Academy purposefully refrained from integrating the panel findings and is not a comprehensive assessment of the worldwide effects of a nuclear explosion. Its major value, perhaps, is in its precise recommendations for further scientific research in previously neglected areas.

The Congressional Office of Technology Assessment in 1979 published the "Effects of Nuclear War." It proposes to be a comprehensive assessment of four different scenarios involving nuclear attacks of different yields and on different types of tar-

gets, including civilian and military sites. Because it describes conceivable effects of a nuclear war on the civilian populations, economies, and societies of the United States and the Soviet Union, it describes some of the human suffering resulting from a nuclear attack or war.

The impact of the study is weakened, however, by its failure to explain the methodology used. The Office of Technology Assessment hypothesized from the previous limited studies and their calculations are limited by the necessity of making assumptions about the circumstances of the explosion, including factors such as the time of day, time of year, wind current, weather, size of the bombs, and location of the people at the time of explosion. There is also much uncertainty in the hypotheses because of the difficulty of calculating the effects of firestorms from the explosion, the extent of disease, and the extent of economic and social disruption.

Although these major studies and other research have contributed to our knowledge and understanding of the horrors of a nuclear holocaust, they still leave major questions unanswered. These studies lead one to believe that the effects of nuclear war on man and his environment would be significant, with a number of adverse and even irreversible consequences. However, the measurements of these damages are framed in very general terms.

Independent private research has not been able to quantify the probability and magnitude of the devastation which would result over both the short and long term.

A coordinated effort is needed to research the aspects of nuclear war which have not received detailed attention or inquiry. There is also the clear need to produce rigorous scientific research assessment and to report to the people. We have a right to know and the Government is obligated to collect and publish the data. Even though the devastation resulting from nuclear war is horrible to comprehend, the Government's obligation to inform the public cannot be further shirked or delayed. The tendency to dismiss discussion or dissemination of information on this most terrible of subjects cannot continue.

Most of us are willing to believe that nuclear powers will not resort to the first use of nuclear weapons because to do so will surely bring retaliation, with total destruction of the countries involved plus devastation of much or all of the Earth.

Yet we have not assessed the complete and irreversible effects of a nuclear explosion beyond the relatively limited devastation assessed and recorded at Hiroshima and Nagasaki in 1945 from the two bombs totaling 34.5

kilotons. Contrary to the general public impression, the effects of an exchange of 10 warheads totaling 1 million kilotons would not necessarily be limited to the country that was the victim of an attack but likely would cause a firestorm and fallout which would spread far beyond the national borders of the attack.

We hope that our instinct for self-preservation keeps the nuclear weapons at bay, but the public fear of nuclear war is based on a very generalized, vague notion which resembles television dramatizations of nuclear war. Accurate information on the actual effects of nuclear war is not available.

The recurring discussion among some defense strategists on the possibility of fighting a limited nuclear war indicates that some of them assume the effect from nuclear explosives can be assessed along with conventional weapons of war. No information that we have would indicate that such an assessment has been verified or warrants a shred of credibility. Additionally there is slight likelihood of a nuclear war that is limited within certain boundaries of geography and scope. Even a few medium-size nuclear warheads of 150 kilotons launched by one side would be met with a retaliatory nuclear response from the intended victim. All of the limited studies since Hiroshima and Nagasaki find that the effects of a nuclear explosion are unpredictable and therefore essentially uncontrollable.

Deterrence against the nuclear weapons of one's opponent is based on risks. Assuming that the behavior of nations and their leaders will preclude the use of nuclear weapons because of mutual devastation from the holocaust, the deterrence theory still fails to take into account the very real possibility that nuclear explosion or war could occur through computer error, accident, or the act of a madman. Our technological capability to build the weapons of destruction has not made us capable of guaranteeing against those uncertainties.

Developing accurate information to assess the full extent of the devastation that would likely result from deliberate or accidental explosions is necessary. The present ignorance of those consequences can destroy civilization as we know it.

The people of the United States and of the world need this information so that we can fully appreciate the awesome responsibility to avoid nuclear devastation. A Government institute dedicated to the research and study of the effects of nuclear explosions will be the clearinghouse for both public and private studies. It would further serve to focus public attention on the dangers of the nuclear arms race.

This bill establishes the National Institute for the Biological Assessment of Nuclear Explosions. The Institute is

established as an independent agency to research, simulate, and collect all data on the effects of nuclear explosion on man, animals, birds, fish, plants, insects, bacteria, organisms, the habitat and environment of the Earth and its atmosphere and biosphere.

The tasks are far ranging and essential. The work is basic and hardly begun. The delay of the Government's responsibility to record and inform the people of the awesome and awful results of nuclear explosion can no longer be put off.

I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Institute for the Biological Assessment of Nuclear Explosions Act."

DECLARATION OF FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds and declares that—

(1) it is difficult for mankind to comprehend or even calculate the devastation to life that the genius of man has grasped from the unknown in discovering the know-how to explode the atoms of uranium and hydrogen;

(2) there are today more than forty thousand nuclear weapons of various sizes, means of delivery and destructiveness in the world, any one of which has thousands of times the explosive power of the bomb that destroyed Hiroshima;

(3) the effects of a nuclear explosion, whether intentionally as a means of waging war or accidentally, or through miscalculation, or mistake, or the act of a madman, depending upon the size and number of nuclear explosions would result in the immediate deaths of possibly millions or scores of hundreds of millions of people. Such nuclear devastation would result in the subsequent deaths of millions more through near term and chronic exposure to nuclear radiation;

(4) nuclear war threatens to obliterate the history of mankind as we know it, including human culture and progress of past generations and the collective records of libraries, museums, universities and institutes, and also threatens to obliterate the scientific means of reconstructing life for future generations;

(5) the effects of nuclear war would destroy billions of animals and birds, the great and the small, as well as much or most of the planet's plant life ranging from trees to algae;

(6) the fallout and dust generated by a nuclear explosion would disturb the ozone in the stratosphere, affecting the climate and the ecology of the planet Earth for time untold;

(7) there are many uncertainties about the long-term effects of nuclear explosions as past efforts to amass such information are scant and consist of random independent and government studies;

(8) a federal institute charged with the responsibility of assessing the consequences of nuclear war must foster an immediate and concentrated assessment and research to

identify, measure, model and quantify the biological and environmental effects of nuclear war.

(b) It is the purpose of this Act to establish an independent national institute to study and promote the study of the simulated, world-wide effects of the blast, firestorm and fallout resulting from nuclear explosion, and to disseminate the findings of the institute to the American people and the government.

SEC. 3. (a) There is hereby established the National Institute for the Biological Assessment of Nuclear Explosions as an independent agency of the United States Government.

(b) The Institute shall be located within the continental United States and may acquire property and facilities necessary to carry out activities under this Act.

POWERS AND DUTIES

SEC. 4. (a) The Institute may—

(1) conduct research and make studies of the world-wide biological and environmental effects of simulated nuclear war or explosion, including models based on different degrees of destruction, from which assessments and calculations would be made, but not limited to, the following:

(A) numbers of human casualties which could be expected to result from the direct nuclear blast and from the subsequent firestorms and radioactive fallout, including but not limited to gamma and beta radiation;

(B) numbers of human casualties which could be expected to result from the indirect effects of a nuclear explosion, including bodily injuries, burns, radiation sicknesses, the spread of infectious diseases, dehydration and starvation;

(C) the subsequent long-term effects of a nuclear war or explosion on human health, reproduction and genetics;

(D) the projected effects of nuclear war or explosion on the quality of human life, as derived from an evaluation of the indirect effects from economic, social, cultural and political disruption;

(E) the destruction of animal and plant life of all species, and the subsequent long-term effect of a nuclear explosion on animal and plant life;

(F) the direct and indirect effects of nuclear war or explosion on soil, agriculture, the aquatic environment, natural terrestrial ecosystems, and the atmosphere and the climate.

(2) provide stipends, grants, fellowships, and other support to independent scholars and scientists for the production of studies assessing the effects of nuclear war or explosion;

(3) enter into formal and informal relationships with other institutions, public and private, for purposes not inconsistent with this Act;

(4) make the results of these studies available to the public and establish a clearinghouse and other means for disseminating information related to assessment of the biological and environmental effects of nuclear war or explosion;

(5) secure directly and without reimbursement, upon request of the Director of the Institute to the head of any Federal department or agency, information necessary to enable the Institute to carry out the purpose of this Act if such release of the information would not unduly jeopardize national security or interfere with the proper functioning of a department or agency;

(6) respond to the request of any Federal department or agency to investigate, exam-

ine, study, and report on any issue within the Institute's responsibilities. At the discretion of the Director of the Institute, research requests may be refused for reason of cost or of inappropriateness to the Institute's purposes.

(7) enter into contracts for the proper operation of the Institute, including maintenance of its offices, schools, and other facilities.

(8) appoint and fix the compensation and duties of officers, employees, and agents and establish such advisory committees, councils or other bodies as the efficient administration of the business and purposes of the Institute may require.

(b) The Institute may do any and all lawful acts and things necessary or desirable to carry out the objectives and purposes of this Act.

(c) The Institute shall not itself undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, or by the United Nations, except that personnel of the Institute may testify or make other appropriate communication when formally requested to do so by a legislative body, or committee, or a member thereof.

OFFICERS AND EMPLOYEES OF THE INSTITUTE

SEC. 5. (a) The powers of the Institute shall be vested in a Director.

(b) The Director shall be appointed by the President, by and with the advice and consent of the Senate, for a term of six years.

(c) The Director shall be responsible for appointing associate scientists to include physicists; pathologists in human, plant and animal fields; physicians; veterinarians; hydrologists; biologists; meteorologists; zoologists; agronomists; botanists; and chemists who will be responsible for coordinating studies and research in their respective fields.

(d) The Director shall be responsible for appointing such support staff as is needed to carry out the responsibilities of the Institute.

(e) The Director is authorized to determine employee levels of compensation commensurate to those provisions of title 5, United States Code, relating to classification and General Schedule pay rates.

(f) Beginning one year after the date of enactment of this Act, the Director shall prepare and transmit to the Congress and the President an annual report detailing the results of the Institute's research and findings on the biological and environmental effects of world-wide nuclear war or explosion. The Director shall prepare and transmit such other periodic reports as are deemed necessary to carry out the objectives of the Institute and shall provide for the dissemination of these reports to the public.

FUNDING

SEC. 6. For the purposes of carrying out the activities of the Institute and the objectives of this Act, there is authorized to be appropriated for the fiscal year 1984 \$100 million, for fiscal year 1985 \$200 million and for subsequent years such amounts as are authorized by Congress.

ADDITIONAL COSPONSORS

At the request of Mr. LEVIN, the name of the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of S. 476, a bill to amend title II of the Social Security Act to require a

finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes.

S. 719

At the request of Mr. THURMOND, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 1262

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1262, a bill to amend the Internal Revenue Code of 1954 to improve Internal Revenue Service procedures concerning investigations and audits of churches, and for other purposes.

S. 1300

At the request of Mr. HUDDLESTON, the name of the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of S. 1300, a bill to amend the Rural Electrification Act of 1936 to insure the continued financial integrity of the Rural Electrification and Telephone Revolving Fund, and for other purposes.

S. 1475

At the request of Mr. WALLOP, the name of the Senator from Nebraska (Mr. EXON) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1584

At the request of Mr. DANFORTH, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 1584, a bill to amend the Internal Revenue Code of 1954 to conform the treatment of overall domestic losses with the treatment of overall foreign losses and to conform the foreign tax credit carryover and ordering rules with similar investment credit rules.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1627

At the request of Mr. DANFORTH, the name of the Senator from New Hampshire (Mr. RUDDMAN) was added as a cosponsor of S. 1627, a bill to amend section 1(f)(3) of the Internal Revenue Code and for other purposes.

S. 1707

At the request of Mr. WILSON, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1707, a bill to provide a moratorium until June 30, 1988, on changes to the Federal Communications Commission rules regarding network television syndication, network television financial interests, and prime time access.

S. 1748

At the request of Mr. EAST, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1748, a bill to amend the National Labor Relations Act to apply explicitly the right-to-work laws of a State to Federal enclaves within the boundaries of that State.

S. 1785

At the request of Mr. SASSER, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 1785, a bill to amend title II of the Social Security Act to eliminate the waiting period for disability benefits in the case of an individual who is terminally ill.

S. 1844

At the request of Mrs. KASSEBAUM, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1844, a bill entitled the "Aviation Tax-Reduction Act of 1983."

S. 1896

At request of Mr. TSONGAS, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1896, a bill to establish a select commission to examine the issues associated with voluntary service.

S. 1913

At request of Mr. HUDDLESTON, the names of the Senator from Nebraska (Mr. ZORINSKY), the Senator from Arizona (Mr. DECONCINI), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 1913, a bill to provide for improvements in the school lunch and certain other child nutrition programs.

S. 1920

At request of Mr. TSONGAS, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1920, a bill to amend the Small Business Act to establish a Small Business Computer Crime and Security Task Force, and for other purposes.

S. 1921

At request of Mr. MATTINGLY, the name of the Senator from Nevada (Mr. HECHT) was added as a cosponsor

of S. 1921, a bill to allow the President to veto items of appropriation.

S. 1934

At request of Mr. HEINZ, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 1934, a bill to amend the Railroad Retirement Act of 1974 to make certain adjustments in benefits contingent on the financial condition of the railroad retirement system.

S. 1937

At the request of Mr. LEVIN, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 1937, a bill to amend the Internal Revenue Code of 1954 to impose an additional excise tax on the sale of certain imported automobiles in the United States.

S. 1939

At the request of Mr. WALLOP, the names of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. PERCY), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1939, a bill to amend the Internal Revenue Code of 1954 to extend the period for qualifying certain property for the energy tax credit, and for other purposes.

S. 1949

At the request of Mr. HUDDLESTON, the names of the Senator from Missouri (Mr. EAGLETON), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 1949, a bill to provide emergency drought relief assistance for farmers and others.

SENATE JOINT RESOLUTION 132

At the request of Mr. RIEGLE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of Senate Joint Resolution 132, a joint resolution to designate the week beginning August 7, 1983, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 148

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from New Hampshire (Mr. HUMPHREY) were added as cosponsors of Senate Joint Resolution 148, a joint resolution to designate the week of May 6, 1984, through May 13, 1984, as "National Tuberous Sclerosis Week."

SENATE JOINT RESOLUTION 165

At the request of Mr. MATHIAS, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Vermont (Mr. LEAHY), the Senator from Arizona (Mr. DeCONCINI), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of Senate Joint Resolution 165, a joint resolution to commemorate the bicentennial anniversary of the constitutional foundation for patent and copyright laws.

SENATE JOINT RESOLUTION 178

At the request of Mr. MATTINGLY, the name of the Senator from Nevada

(Mr. HECHT) was added as a cosponsor of Senate Joint Resolution 178, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE CONCURRENT RESOLUTION 56

At the request of Mr. JEPSEN, the names of the Senator from North Carolina (Mr. HELMS), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Concurrent Resolution 56, a concurrent resolution expressing the sense of Congress in opposition to further expansion of cargo preference requirements.

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. MATTINGLY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the social security benefit disparity known as the notch problem.

SENATE RESOLUTION 201

At the request of Mr. PRESSLER, the name of the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of Senate Resolution 201, a resolution expressing the sense of the Senate concerning the use and/or provision of chemical warfare agents by the Soviet Union.

SENATE RESOLUTION 202

At the request of Mr. BAKER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of Senate Resolution 202, a resolution to establish a Select Committee on Puerto Rico.

SENATE RESOLUTION 225

At the request of Mr. BAUCUS, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Texas (Mr. TOWER), the Senator from Missouri (Mr. DANFORTH), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from South Dakota (Mr. ABDNOR), the Senator from Arkansas (Mr. PRYOR), the Senator from Alabama (Mr. HEFLIN), the Senator from Mississippi (Mr. STENNIS), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Resolution 225, a resolution relating to the dismantling of nontariff trade barriers of the Japanese to the import of beef.

AMENDMENT NO. 2256

At the request of Mr. MATHIAS, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Wisconsin (Mr. PROXMIER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Colorado (Mr. HART), the Senator from Vermont (Mr. LEAHY), the Sena-

tor from Montana (Mr. MELCHER), the Senator from Michigan (Mr. LEVIN), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 2256 intended to be proposed to S. 1342, an original bill authorizing appropriations for fiscal years 1984 and 1985 for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, and for other purposes.

SENATE RESOLUTION 244—TO REFER THE BILL S. 1961 TO THE COURT OF CLAIMS

Mr. GORTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 244

Resolved, That S. 1961, entitled "A Bill for the Relief of William G. Riplinger", now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Court of Claims, and the Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509, title 28, United States Code, notwithstanding the bar of any statute of limitations, laches, or bar of sovereign immunity, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusion thereof as shall be sufficient to inform the Congress of the nature and character of the demand of the claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to William G. Riplinger.

SENATE RESOLUTION 245—CONGRATULATING THE BALTIMORE ORIOLES ON WINNING THE WORLD CHAMPIONSHIP

Mr. SARBANES (for himself and Mr. MATHIAS) submitted the following resolution; which was placed on the calendar by unanimous consent:

S. RES. 245

Whereas the Baltimore Orioles are the winners of the eightieth World Series and are the 1983 World Champions of baseball;

Whereas the 1983 World Championship was a total team victory for the Baltimore Orioles and all players contributed to the ninety-eight regular season, three American League Championship Series, and four World Series victories;

Whereas the Baltimore Orioles catcher Rick Dempsey who exemplifies the team spirit of the Orioles joined former Orioles Frank Robinson and Brooks Robinson by being named the most Valuable Player in a World Series;

Whereas the Baltimore Orioles are one of only four teams in the history of major league baseball to win four straight World Series games after losing the first one;

Whereas the Baltimore Orioles have the best won-lost record over the last quarter century of major league baseball;

Whereas the Baltimore Orioles in nine 1983 post season games scored thirty-seven runs and limited their opponents to twelve runs to establish a team earned run average of 1.10;

Whereas the Baltimore Orioles, thanks to the leadership of manager Joe Altobelli, general manager Hank Peters and owner Edward Bennett Williams, are the best organization in major league baseball;

Whereas the Baltimore Orioles fans are unsurpassed in all baseball as demonstrated by the 1983 season attendance of two million, by the thirty-thousand who met the team at Memorial Stadium the night of the World Series victory, by the over two-hundred thousand who watched the parade October 17, 1983, and by their unmatched enthusiasm and support; and

Whereas the Baltimore Orioles have brought great pride to the citizens of the City of Baltimore and to Maryland: Now, therefore, be it

Resolved, That the United States Senate congratulates the World Champion Baltimore Orioles for winning the 1983 World Series.

Sec. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the president of the Baltimore Orioles Baseball Club.

Mr. President, when the Baltimore Orioles, who over the last quarter century have won more major league baseball games than any other team in either league, won their third world's series on Sunday evening, they confirmed for everyone what Orioles fans have known all along—the Baltimore Orioles are the very best baseball team, supported by the most magnificent fans, making their home in Baltimore, the jewel on the Chesapeake Bay, a city unsurpassed in its pride in its renaissance and excellence.

Much has been written and said about how it took all the Oriole players, Manager Joe Altobelli and his fine staff of coaches, and a front office organization which the Wall Street Journal called the best in baseball, to return the world championship to Baltimore for the third time in the 30 years since major league baseball returned to Baltimore. But that is how baseball is—it is a team game, one that requires that each player contribute the utmost for the team to prevail. That is why baseball remains the great American pastime.

Mr. President, as one who lives only a few blocks from Memorial Stadium in Baltimore, I have a special appreciation for the wonderful Oriole fans, and in fact join them at the stadium as often as possible. They set a record attendance of 2 million this year. For the last 2 days these great fans have shown their appreciation in outstanding fashion. Over 30,000 came to the stadium Sunday near midnight to welcome home the Orioles as they returned victorious. And yesterday a throng of more than 200,000 jammed the heart of downtown Baltimore to celebrate this team victory with a parade demonstrating their unmatched enthusiasm and support.

Mr. President, many articles have appeared in recent days describing the skill and dedication exhibited by the Orioles during this past season and the way we in Maryland feel about our

team. I ask that a column by John Steadman, the widely respected dean of Baltimore sports writers and sports editor of the News American, a Baltimore Evening Sun editorial, entitled "Baltimore is Best," and a Washington Post column by Tom Boswell on the team spirit of this fine organization appear in the RECORD.

Mr. President, I am very pleased to submit, with my colleague from Maryland, Senator MATHIAS, this resolution, congratulating the Baltimore Orioles on their victory.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Baltimore News American, Oct. 17, 1983]

CITY'S "PRIDE" SAILS TO SERIES VICTORY ON UNITY

They're the Pride of Baltimore.

A team embodying a ravenous spirit, reliance upon each other and a flaming desire to win has attained the most cherished goal in American baseball. Yes, the World Series belongs to them.

The Baltimore Orioles, a name synonymous with baseball for more than 100 years, have added another glorious chapter to a tome filled with the deeds of sainted heroes, storied characters and record book accomplishments.

But this is a different and maybe a more important event because the Orioles of 1983 brought forth a ringing message that reaffirms the belief that the struggle can often be won with firm dedication, which they had, as it can with profound ability, which they don't claim to have.

They're the Pride of Baltimore.

Put such new names as Rick Dempsey, Dan Ford, Rich Dauer, John Lowenstein, Gary Roenicke, Scott McGregor and Sammy Stewart in the gallery of honored performers. In the words of a quiet, friendly leader named Joe Altobelli, who took on the most difficult assignment of the season, "They accepted every challenge along the way."

Those contemporary warriors, following in the tradition of such legendary figures from the Orioles' golden past as Wee Willie Keeler, John McGraw and "Iron Man" Joe McGinnity, invaded the home turf of the Philadelphia Phillies and wiped them out. They played there three times without knowing what it was like to lose in the home park of the opposition.

The surface was a green-colored rug instead of natural grass and they were before demanding and hostile crowds, plus having to cope with another unfavorable playing condition—no designated hitters. Still they prevailed. It's a victory to be savored, treasured and put in a time capsule for future reference and reflection.

They're the Pride of Baltimore.

A change-of-speed pitcher named McGregor, who never allows pressure to even cause a mild outbreak of perspiration, accomplished the coupe de grace. His ailing father was in a hospital but he refused to cower or become intimidated with emotional torment. It was a job waiting to be done and he had the assignment.

The Phils, before taking the count, could only account for five innocuous hits and no runs. In the opening game of the World Series the Phils came out ahead, 2-1, but the men in orange and black uniforms sub-

sequently swept them aside with four successive triumphs.

The Orioles are categorized as a low-budget operation when compared to the Phils, New York Yankees, California Angels and most other clubs. They are basically created from within the framework of their own farm system. But they do, of course, make judicious trades so they can fill in the open places in the puzzle.

They're the Pride of Baltimore.

What this signifies is that it's not necessary to throw money to the four winds if you can think for yourself, know the business you're in and chart a proper course while rivals reach for the panic button.

A conservative career baseball executive, one Henry "Hank" Peters, has provided the main input for a successful organization that now is celebrating a World Series conquest. And the man he picked in Altobelli to make the decisions on the field proved he could more than adequately fill the role of following the eminently successful and often volatile Earl Weaver.

It has been 13 years since the Orioles of Baltimore last won the World Series, but during the interim it has been a team that never embarrassed itself and brought continuing credit to the city it represented. The flow of wins far exceeded the number of losses.

They're the Pride of Baltimore.

A special identity, either by design or accident, has come to the Orioles. They have been able to develop or acquire players of minimum ability who fit in with the cast headed by two brilliantly skilled youngsters, Eddie Murray and Cal Ripken Jr. But they all make a contribution: that's to be expected.

Murray, stoic and reticent, put it in the kind of perspective that closely embraces the Orioles' philosophy, if they actually have one. "We're not a team made up of just two ballplayers," he said. And Ripken added, "It's a unity concept."

The most valuable player award didn't go to Murray or Ripken but to an over-achieving, irrepressible catcher, Dempsey, who came to the Orioles in a multiple swap the Orioles made with the Yankees in 1976. In addition to Dempsey, they got McGregor and Tippy Martinez.

They're the Pride of Baltimore.

Ford's courage was remarkable in that he was hit on the bill of his helmet with a pitched ball in Game Two and knocked down but got up to hit a home run off Steve Carlton in Game Three. So it was the Phils who were shell-shocked . . . not Ford.

The Orioles, surprisingly, scored a meager total of 18 runs the entire Series, but that was enough to win since the panting Phils only crossed home plate nine times. What ever it takes to win, the Orioles are able to reach back and find.

It's not magic or legerdemain. They have a belief, an inner confidence, that allows them to deal with a crisis, to apprise what needs to be done and find an immediate solution, whether they have glove, ball or bat in their hands. The World Series belongs to them and rightly so.

They're the Pride of Baltimore.

[From the Baltimore Evening Sun, Oct. 17, 1983]

BALTIMORE IS BEST

Gimme an exclamation point!

Gimme the top of Page One, the big font's capital letters, the 10-point rule underline—and center it!

Give me, or the municipal and metropolitan us, the exaltation of victory on the ballfield. Of scoring the most runs and winning the most games. Of playing together best and drawing the biggest number of fans yet. Of turning back the best in the West, of reducing the fame of the National to a dream irrational.

Give us the memory to hold long in mind the year 1983, and the players Al and Cal, Rich and Rick, Jim and Jim and Tim, Benny and Kenny, Mike and Mike, Rhino and Tito and Brother Low, Ed-die and Tip-py and Len-ny. From Joe who managed to Joe who caught. No rhymes for Storm and Sam, for Todd and John and Dan.

Our Orioles!

This concludes, as it happens, 30 years of Baltimore's return to membership in the American League, which it helped found. How much has gone on, since the first of those seasons began. Half a dozen pennants! Half a half a dozen world championships!

Give us—besides the Memorial Stadium reception, the Charles Street parade—charity toward the other cities, which have done less well. And assurance that the big leagues will go on being glad to have a franchise in Baltimore. And awareness that other things go on in the world, now during the happy winter of our content.

O R I O L E S !!!

[From the Washington Post, Oct. 17, 1983]

O R I O L E S TAKE SERIES, BEGIN CELEBRATION
(By Thomas Boswell)

PHILADELPHIA, October 16.—Since they first gathered in spring training in Miami far back in February, the Baltimore Orioles have had a private team catch phrase, a little joke they meant in earnest. Their goal for 1983, they said, was a highlights film with a happy ending.

Today in Veterans Stadium, this Baltimore team that has so often watched a summer of Oriole Magic turn into an autumn of baseball tragic finally got its happy ending—a 5-0 victory over the Philadelphia Phillies in the fifth and final game of the 80th World Series.

With Eddie Murray, their tormented slugger, hitting two Ruthian home runs; with Scott McGregor, their choirboy left-hander, pitching a five-hit shutout; with Rick Dempsey, their irascible firecracker catcher winning the Series MVP award, the Orioles became world champions this evening.

"Aw, now we gotta ride through that stupid parade again," dead-panned veteran Rich Dauer in the champagne glee of the Orioles' clubhouse.

With their convincing victory, the Orioles became the fourth team in Series history to lose the opener, then sweep the next four games. The Orioles, who were last world champions in 1970, also lost the opener of the American League playoffs, then swept three games from the Chicago White Sox. Their specialty all season has been throttling their toughest foes in those teams' own parks. The New York Yankees, Milwaukee Brewers and Detroit Tigers have all gotten that decisive treatment in the last six weeks.

For days, this Series felt like a ticking bomb waiting to explode as both teams' central players—Murray and Philadelphia's Mike Schmidt—suffered through October paralysis from analysis. These two, probably the best players in their respective leagues, were watching each other, too.

In this twilight, the Murray dynamite exploded as he got off two drives that carried 900 feet between them. Schmidt finished

the Series one for 20, with no walks and one shattered-bat single.

Murray made a thunderous escape from a two-for-37 World Series slump that extended to 1979, when his zero-for-21 conclusion was a big part of the Orioles' collapse after taking a three-games-to-one lead over Pittsburgh.

As Murray stepped to the plate this evening, the sarcastic Philadelphia chant of "Ed-die, Ed-die" was in his ears for the third straight day. The crowd of 67,064—largest in baseball history here—had converted Baltimore's cheer to a taunt for the cleanup man.

This time, Murray, the silent "O," made the crowd eat its word. In his first at bat against fast-balling rookie Charles Hudson, Murray lined a 430-foot home run high and far over the 371-foot sign in right for the game's first run and the eventual game-winning RBI.

"I thought, 'We struck first, I've broken out before Schmidt,'" said Murray.

After a home run to left by Dempsey in the third inning, a mood had been set. After a walk to Ripken to start the fourth, Murray stepped up again. On the right field scoreboard, 475 feet away, the words "American League RBI Leaders" was flashed. There on the list was "MURRAY 111."

Hudson, who'd watched his fast ball become a disappearing dot so recently, tried to change speeds with a breaking ball. The only thing that changed was the score. Once more Murray could stand at the plate and admire his work. The fielders never moved. Murray's homer landed perhaps three feet above his own name. Is that called leaving your signature on the World Series?

"I thought, 'That's 4-0. That's enough for Scotty. It's all over,'" said Murray. "I'm glad I broke out instead of him (Schmidt). If he'd broken out it would have been all over for us. Schmidt can carry them for three games in a row."

Although Murray's homers were the dramatic hinge of this game, it was still the Orioles' magnificent pitching that carried them through this October. A shutout was the only appropriate conclusion to a post-season in which the Baltimore team ERA for nine games was 1.10, with only 59 hits allowed in 82 innings, and a strikeout-walk ratio of 55-to-19. The Phillies batted a paltry .195 and were allowed only seven walks.

McGregor was routinely superb, pitching like the man who has led the AL in winning percentage since the day he stepped into the Baltimore rotation. After allowing only one Phillie to second base and one to third, McGregor barely seemed excited at game's end. "Oh, you know me," he said with a shrug afterward. "I just don't get very excited about anything . . . I went out and had a good time, threw 'em plenty of change-ups."

The Phillies, who hadn't lost three straight games to the same team in Veterans Stadium since May, were, at last, impressed. For the last several days, the National League champions have been stinting in their praise of the club that was beating them.

In fact, Ray Miller, the Orioles' pitching coach, took it on himself to say this evening, "I thought the Phillie players were very pompous in their attitudes and statements. That might have fueled us. When Dempsey got his first hit, nine guys looked at him like he had no business getting a hit in the World Series."

"I never heard them give us much credit. It was always what they thought they were

doing wrong, never what we might be doing right."

By nightfall on this day, the Phillies were rounding into good-loser form.

Asked what the Orioles had done better in this Series, star reliever Al Holland said, "To be quite honest, everything."

"They know how to play the game. They did all the things we would like to have done," said Schmidt. "Every time I wanted to do something, the ball (pitch) wasn't there to do it . . . It seemed they knew my thinking . . . I'm human and when I didn't do well in my first game or two, I started to press . . . I apologize for my performance, not for my effort."

Schmidt, however, could not forget two rocketing outs he'd hit in Game 1. "If those two balls had dropped, I'd be rollin' and we'd still be playin'."

"I don't want to sit here and say we were the better team," said outfielder Gary Matthews. "They beat us four straight—three at our park—and if you can do that, you deserve to win."

"The big thing is the overall depth of their starters," analyzed second baseman Joe Morgan. "They just keep running one (good) guy at you after another."

In a sea of celebrating Birds, it was impossible to pick the happiest fowl.

Certainly Dempsey was, by team acclamation, the perfect man to represent them as MVP. After his home run, Dempsey came back with a double in the gap in the fifth and scored on Al Bumbry's sacrifice fly for a 5-0 lead.

"I haven't hit two balls that hard since Texas (in June)," snickered the self-proclaimed best .240-hitter in the world. "In fact, I haven't hit this well since spring training three years ago . . ."

"This Series turned out to be a battle of the little guys," grinned Dempsey, recalling how he and his fellow members of the Three Stooges (Rich Dauer and Todd Cruz) had gotten so many of the central hits in every Baltimore victory.

Their depth did not go unnoticed by the Phillies. Schmidt said the Orioles had "25 Mr. Octobers."

If Dempsey's award pleased the Orioles most, then Murray's vindication ranked second. Several players broke precedent and sought him out for encouraging words before the game.

"In the Series, it's hard to be yourself," said pitcher Mike Flanagan. "You're half fighting history and half fighting yourself. I've never seen a team more determined to win than we were today. We really didn't want to go back home. Especially Eddie. In the clubhouse before the game, he yelled, 'Win this one or don't win the Series.'"

"Two home runs is mild compared to what I thought he might do," added Flanagan. "He pulled a home run foul his third time up and his single in the ninth was almost another home-run swing."

"I have a stupid habit of being overly aggressive against pitchers I've never seen. I fell back into that old bad habit," admitted Murray. "The last two days, I started taking a pitch to clock the guy."

After Murray's homers, McGregor pitched like a man who had a cab waiting with the meter running. "After I got them in the eighth, I just wanted back out there," said McGregor, who entered the game with a 1.99 ERA in five postseason starts, but only a 2-3 record. "I wanted our guys to go down one-two-three so I could go back out there more quickly."

As the champagne flowed, the Orioles became progressively more giddy. Jim Palmer, asked which team in the AL East reminded him of the Phillies, took a long minute to think, then said, "Boston."

Boston finished sixth.

Shortstop Cal Ripken, 23, beamed, "Get as much as you can while you can. Nothing can happen too fast."

Manager Joe Altobelli received his accolades as well.

Yesterday (Saturday) I saw a man do some managing that I didn't think he could do," said McGregor. "He made about eight moves and every one worked and he came out smelling like a rose . . . I wonder if he wasn't bored all year in the American League with the DH."

Despite Dauer's wise evaluation that "Earl taught us to play, but Joe let us play," this was still a team formed by Weaver and under orders from him. After Weaver's final game as manager last season, he called for a moment's silence in the Orioles' clubhouse after an excruciating pennant race had ended in a final-day, highlight-film-spoiling loss to the Milwaukee Brewers.

After giving his thanks to the team, Weaver gave them an order.

"Win 105 for the next guy," he said.

This year, the Orioles went out and won 98 games in the regular season, three in the American League playoffs and four in the World Series.

That's 105, on the nose.

Mr. MATHIAS. Mr. President, it gives me great pleasure to join in introducing a resolution commending the baseball champions of the world, the Baltimore Orioles.

Sunday evening in Philadelphia, before a worldwide television audience, the Orioles showed why they are the best organization in baseball, clinching the World Series in 5 games with a 5-0 victory. Their triumph typified the caliber of play which they displayed throughout the season—power and speed with strong pitching and solid defense. It was, as always, a total team effort.

During both regular- and post-season play, the Orioles were a team that combined talent with a certain magic to produce over 100 victories. Whether it was a young pitcher from down on the farm, a seasoned veteran with the winning tradition, a superstar, or the seldom used player who delivered the key hit, the Orioles tradition always managed to bring out the best of each member of the team.

The 1983 season saw many spectacular performances by the "Birds," but equally impressive were the performances of the "Birdwatchers." Over 2 million fans flocked to Memorial Stadium to support their team, showing the same great enthusiasm in times of defeat as in times of victory. The Orioles' organization, the fans, the city of Baltimore, and State of Maryland can take great pride in the 1983 season.

In closing, I would like to quote from the Baltimore Sun's lead editorial of yesterday. It says:

ORIOLES

The best of Baltimore. The Paragons of the Patapsco. The Monarchs of Maryland. The Ultimate of the United States.

The Epitome of the Eastern Division. The Apotheosis of the American League. The Champions of the World. The O-R-I-O-L-E-S.

AMENDMENTS SUBMITTED

FEDERAL TRADE COMMISSION AUTHORIZATION ACT

McCLURE AMENDMENT NO. 2326

(Ordered to lie on the table.)

Mr. McCLURE submitted an amendment intended to be proposed by him to the bill (S. 1714) to amend the Federal Trade Commission Act to provide authorization of appropriations; as follows:

Beginning on page 13 line 8 strike all through page 14 line 21 and in lieu thereof the following:

Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(n) The Commission shall not have authority to find a method of competition to be unfair method of competition under subsection (a)(1) if, in any action under the Sherman Act, such method of competition would be held to constitute State action."

The Federal Trade Commission Act is further amended by inserting after section 24 the following new section:

"SECTION 25. (a) In the exercise of its authority under the act to prohibit unfair or deceptive acts or practices engaged in by professionals, the Federal Trade Commission shall not act in any manner which would:

"(1) Result in the invalidation of a State law of such State or any part of such law if such law or part establishes—

"(A) training, education, or experience requirements for licensing of professionals, or

"(B) permissible tasks or duties which may be performed by professionals and which are based on specialized training or education, or

"(2) Constitute an undue interference into functions

"(A) specifically assigned by federal law to other agencies or department of the United States or

"(B) of any court or other instrumentality assigned by state law to supervise the admission and licensure of professionals within that state or

"(C) of any court with final authority within the state to effectively regulate professional acts or practices within that state."

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATION ACT, 1984

COHEN AMENDMENT NO. 2327

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him

to the bill (H.R. 3222) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 12, after line 6, insert the following:

No funds in this title shall be used—

(1) by the Source Evaluation Board for Civil Space Remote Sensing as established by the Secretary of Commerce to develop or issue a request for proposal to transfer the ownership or lease the use of any meteorological satellite and associated ground system to any private entity; or

(2) by the National Oceanic and Atmospheric Administration to transfer the ownership of any meteorological satellite and associated ground system to any private entity.

MARTIN LUTHER KING, JR. HOLIDAY

RUDMAN (AND HELMS) AMENDMENT NO. 2328

Mr. RUDMAN (for himself and Mr. HELMS) proposed an amendment to the bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday; as follows:

On page 1, strike out lines 6 and 7, and insert in lieu thereof: "National Equality Day, February 12."

On page 2, add after line 4 the following new section: SEC. 3. The provisions of section 6103(b) of title 5, United States Code shall not apply to National Equality Day established pursuant to the first section of this Act.

EAST AMENDMENT NO. 2329

Mr. EAST proposed an amendment to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "National Civil Rights Day Act of 1983".

SEC. 2. The Congress finds that—

(1) the birthday of President James Madison in March 16;

(2) James Madison played a significant role in the drafting and adoption of the Constitution of the United States;

(3) James Madison played a significant role in the drafting and adoption of the "Bill of Rights" contained in the first ten Amendments of the Constitution of the United States;

(4) the Constitution of the United States is the source of and authority for the laws of the United States and the civil rights and liberties of the citizens; and

(5) the laws of the United States and the civil rights of the citizen guarantee the right or protection of the laws without regard to race, color, creed, national origin, sex, or disability.

SEC. 3. March 16 of each year is designated as "National Civil Rights Day", and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

COMPREHENSIVE CRIME CONTROL ACT OF 1983

NUNN AMENDMENT NO. 2330

(Ordered to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to the bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983"; as follows:

On page 313, line 1, insert the following new section:

SEC. . (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order"

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws."

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

MARTIN LUTHER KING, JR. HOLIDAY

EXON (AND NICKLES) AMENDMENT NO. 2331

Mr. EXON (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That January 15 of each year is designated as "Martin Luther King, Jr.'s Birthday," and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

HELMS (AND SYMMS) AMENDMENT NO. 2332

Mr. HELMS (for himself and Mr. SYMMS) proposed an amendment to the bill H.R. 3706, supra; as follows:

At the end of the bill, add the following:

SEC. . Notwithstanding any other provision of this Act, the amendment made by the first section of this Act shall not take effect unless and until the Senate adopts and carries out the following resolution:

Resolved, that the Senate Legal Counsel, on behalf of the United States Senate, in conjunction with such agencies of the United States as may be advisable, is directed to seek access, by all available legal means, including but not limited to subpoena, to the following:

(a) Any and all records, tapes, documents, files, materials, and other evidence relating in any way to Martin Luther King, Jr. in the possession of the Department of Justice, the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency; and

(b) Any and all records, tapes, documents, files, material, and other evidence relating in any way to Martin Luther King, Jr. and sealed by order of the United States District Court for the District of Columbia, dated January 31, 1977, in the cases of *Lee v. Kelley, et al.*, Civil Action No. 76-1185, and *Southern Christian Leadership Conference v. Kelley, et al.*, Civil Action No. 76-1186; for the confidential examination of the United States Senate;

Resolved, further, that if the above items and materials are too voluminous for confidential examination by the United States Senate in a reasonable time, in the determination of the Senate Majority and Minority Leaders, a Select Committee on Martin Luther King, Jr. shall be established to summarize and present the salient portion of the material for confidential examination by the United States Senate.

Resolved, further, that after examination of and debate on the above materials, the Senate shall affirm by majority vote that it is appropriate to approve a legal public holiday in honor of Martin Luther King, Jr.

DENTON AMENDMENT NO. 2333

Mr. DENTON submitted an amendment intended to be proposed by him to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "Martin Luther King, Jr., Memorial Commission Act of 1983".

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established a commission to be known as the Martin Luther King, Jr., Memorial Commission (hereinafter referred to as the "Commission") to formulate plans for the construction of a memorial to Martin Luther King, Jr., and the participants in the American civil rights movement.

(b) The Commission shall be composed of—

(1) two members to be appointed by the President;

(2) one member to be appointed by the President pro tempore of the Senate upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate;

(3) one member to be appointed by the Speaker of the House of Representatives; and

(4) one member to be appointed by the Mayor of the District of Columbia.

(c) The Chairman of the Commission shall be elected from among the members of the Commission.

(d) Any vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) A vacancy on the Commission shall not affect its powers.

(f) The members of the Commission shall serve without pay or other compensation, except that—

(1) any employee of the United States who is a member from the legislative branch shall be allowed necessary travel expenses as authorized by law for official travel;

(2) any employee of the United States who is a member of the executive branch shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code; and

(3) any member who is not an employee of the United States shall be allowed necessary travel expenses, including per diem in lieu of subsistence in the same manner as provided under section 5703 of title 5, United States Code, for employees serving intermittently in the Government service.

DUTIES OF COMMISSION

SEC. 3. (a) It shall be the duty of the Commission to consider and formulate plans for the design, construction, and location, in the District of Columbia, or its immediate environs, of a permanent memorial to Martin Luther King, Jr., and the participants in the American civil rights movement. Such Memorial shall be known as the Martin Luther King, Jr., Memorial.

(b) Consistent with subsection (a), the Commission shall prepare a study which will set forth guidelines and recommendations for the design, construction, and location of the Martin Luther King, Jr., Memorial. The Commission shall actively seek the advice of private organizations and individual citizens.

(c) The Commission shall submit the study and recommendations required under subsection (b) to the Congress and the President within two years after the date of the enactment of this Act.

ASSISTANCE BY AGENCIES OF THE FEDERAL GOVERNMENT

SEC. 4. All Federal agencies shall provide the Commission with support and cooperation, including such information, personnel, and technical assistance not inconsistent with the law. The General Services Administration shall provide appropriate office space for the Commission. Administrative service shall be provided to the Commission by the Secretary of the Interior.

STAFF OF COMMISSION

SEC. 5. (a) The Commission may appoint a Staff Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b)(1) In addition to a Staff Director, the Commission may appoint a staff consisting of not more than ten staff members.

(2) Staff members appointed under paragraph (1) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) The Commission is authorized to obtain services in accordance with the provisions of section 3109 of title 5, United States Code, to procure supplies, and to make contracts in furtherance of the purposes of this Act.

AUTHORIZATION TO ACCEPT DONATIONS

SEC. 6. The Commission may accept, use, and dispose of donations of money, property, or personal services in carrying out the activities authorized by this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SYMMS AMENDMENT NO. 2334

Mr. SYMMS submitted an amendment intended to be proposed by him to the bill H.R. 3706, supra; as follows:

At the end of the bill, add the following new section:

Sec. . That (a) section 6103 of title 5, United States Code, relating to holidays, is amended by adding at the end thereof the following new subsection:

"(d)(1) Any legal public holiday or any other day declared to be a holiday by Federal statute or Executive order—

"(A) which is established on or after the date of the enactment of this subsection, and

"(B) which does not occur on a Saturday or Sunday, shall be treated as if it occurred on the following Sunday.

"(2) The provisions of paragraph (1) of this subsection shall not be considered to be superseded by any provision of law enacted after the date of the enactment of this subsection unless such provision of law—

"(A) specifically cites this subsection, and

"(B) declares that the provisions of paragraph (1) are superseded."

(b) Section 6103(b) of such title is amended—

(1) by striking out "with respect to a legal public holiday and any other day declared to be a holiday by Federal statute or Executive order," and inserting in lieu thereof "with respect to holidays subject to this subsection," and

(2) by adding at the end thereof the following sentence: "Holidays subjects to this subsection are legal public holidays and other days which were declared to be holidays by Federal statute or Executive order before the date of the enactment of subsection (d) of this section or which supersede subsection (d) of this section."

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will be holding hearings on November 2, 1983, beginning at 10 a.m., in Dirksen Senate Office Building, room 124, on S. 1196, a bill to confer jurisdiction on the U.S. Claims Court with respect to certain claims of the Navajo Indian Tribe; and also beginning at 2 p.m., an oversight hearing on the implementation of the Alaska Native Claims Settlement Act (Public Law 92-203), and Shee Aitka, Inc.

Those wishing additional information should contact Paul Alexander or Jerry Reichlin of the committee at 224-2251.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold hearings on Computer Security in the Federal Government and the Private Sector on

Tuesday, October 25, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, and on Wednesday, October 26, at 9:30 a.m., in room 628 of the Dirksen Senate Office Building.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Bruce Beaudin and Nan Huhn to be associate judges for the Superior Court of the District of Columbia on Wednesday, October 19, at 10 a.m., in room SD342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on S. 1746, the Freedom from Government Competition Act, on Tuesday, October 25, 10 a.m., in room SD342 of the Dirksen Senate Office Building. For further information, please contact Mr. Link Hoewing at 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 18, at 2 p.m., to hold a business meeting to consider the nomination of Gen. Paul W. Myers to be placed on the retired list at the grade of lieutenant general.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NUTRITION

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Subcommittee on Nutrition, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, October 18, at 9:30 a.m., to hold a hearing to receive testimony on State implementation of food stamp program reforms recently enacted by Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MATHIAS. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Mineral Resources, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Tuesday, October 18, at 10 a.m., to hold a hearing to consider S. 1634, a bill to amend the Mineral Lands Leasing Act of 1920, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE MUTUAL GUARANTEE BUILD-DOWN

● Mr. HEINZ. Mr. President, during the course of the last year much debate has occurred about how to best proceed in our attempt to negotiate a mutual and verifiable arms control treaty with the Soviet Union at the strategic arms reduction talks.

There has been a vast outpouring of public support for the concept of a mutual nuclear weapons freeze as proposed by my distinguished colleagues Senator HATFIELD and Senator KENNEDY.

More recently much attention has been focused on the concept of a "mutual guaranteed build-down," originally introduced by my distinguished colleagues Senator PERCY, Senator COHEN, and Senator NUNN, and cosponsored by myself.

Though many have attempted to draw a distinction between these two approaches I believe that they share some very basic common objectives: an end to the arms race, a more stable strategic environment, and the negotiation and ratification of a mutual and verifiable arms control treaty.

The reality we confront is that a total freeze on the development, production and deployment of all nuclear weapons by either superpower is not imminent. Our choice therefore is to either reject or embrace an interim proposal such as the mutual guaranteed build-down which not only constrains the strategic modernization process but also can dramatically reduce the number of strategic warheads held by both superpowers. The build-down should not be seen as an alternative to the freeze, but rather a complement to it. It offers a way to significantly contain the arms competition between the superpowers while at the same time not impeding the pursuit of the larger goal—the elimination of all nuclear weapons.

A seven-point arms control program which combines the concept of a nuclear freeze with a mutual guaranteed build-down was recently proposed by my distinguished colleagues Senators COHEN, NUNN, and PERCY.

These seven points of this expanded build-down proposal are worth enumerating because they represent a creative way of achieving both dramatic reductions in strategic warheads—and strategic stability:

First, there should be an immediate ceiling on the number of ballistic missile warheads.

Second, there should be an immediate ceiling on the overall destructive capacity of the strategic forces of both sides at existing levels.

Third, there should be a guaranteed annual build-down in the number of ballistic missile warheads.

Fourth, the build-down rules should create incentives favoring stabilizing systems—in particular small, single warhead ICBM's—and should penalize destabilizing systems such as MIRV'd ICBM's—for example, by requiring the destruction of three warheads for each new warhead on a MIRV'd ICBM.

Fifth, there should also be a second guaranteed annual build-down in the overall destructive capacity—megatonnage—of the strategic forces, missiles, and bombers, of both sides.

Sixth, the agreement should not prohibit or discourage measures which enhance survivability.

Seventh, the United States should seek an immediate agreement with the U.S.S.R. on a build-down as a framework and precursor for a detailed START treaty.

In essence, a bipartisan group of my Senate colleagues have recognized that in order to give the build-down an opportunity to work it is necessary that both the Soviet Union and the United States freeze at their current levels the number of strategic nuclear warheads in their arsenals.

However, to freeze at current levels and allow 8,000 to 9,000 ballistic missile warheads on each side to remain in place simply is not good enough. These excessive levels can successfully be reduced using the concept of a build-down not only to seek dramatic reductions in the number of warheads to a level of 5,000 strategic warheads, as proposed by my colleagues, but also to create the incentives necessary to induce both superpowers to move away from their reliance on destabilizing land based MIRV'd missiles with a first strike capability.

The expanded build-down recognizes that we must move toward reliance on weapons with a high deterrent value, or, in other words, weapons which neither can effectively initiate nor will invite a first strike.

Let me address the often overlooked but critical issue of stability.

By now it has become clear that our arms control efforts must focus on the reduction of warheads, specifically multiple warheads—MIRV's—on Soviet and American Land-based missiles. The proliferation of MIRV technology has been the single most destabilizing event in the arms competition between the Soviet Union and the United States. When both nations had the opportunity to ban MIRV technology they failed to do so. Now it is clear that if we are to eliminate the temptation or chance of a first strike by either side, or the possibility of accidental nuclear war, we must begin to limit, reduce, and ultimately eliminate all land-based MIRV'd missile warheads—and their MIRV launchers. Successfully phasing out MIRV'd

weapons is by far our best opportunity to halt and reverse the arms race once and for all.

In addition to reducing the number of land-based MIRV'd warheads, there are other elements essential to reaching our goal of achieving strategic stability. The practical arms control question remains: How do we convince the Soviet Union to move away from their large MIRV'd land-based missile force—weapons with a first strike capability—to a reliance on weapons such as single warhead land-based missiles, submarines and/or bombers which can neither effectively initiate nor invite a first strike? How do we move away from a strategic environment which taken to its logical conclusion, would place the destruction of the world on a hair trigger by having a huge number of MIRV'd land-based missiles ready to launch on warning facing each other within a very few years.

The build-down concept proceeds from the assumption that if we are to achieve a more stable strategic environment, some existing systems that are destabilizing will have to be replaced with less threatening alternatives. Also, the build-down recognizes that some limited, carefully defined, strategic modernization must occur, but allows it only at a price. In effect, the rule established is that there can be no strategic modernization without sacrifice: For each new warhead deployed, two older warheads must be retired. I believe this principle would enforce a much needed discipline upon Soviet and American leaders and halt strategic modernization simply because the respective military establishments want their wish lists fulfilled.

Achieving strategic stability does not mean a blank check for unlimited modernization. It does and should mean replacing weapons which because they cannot survive, increase the pressure on a government to strike first in a crisis. Less vulnerable weapons such as single warhead missiles, bombers and submarines are essential to the mutual restraint on which peace and security rest.

Achieving strategic stability will be no easy task. The fact is the Soviet Union is not going to overnight give up its highly destabilizing, large force of land-based MIRV'd missiles to achieve an American concept of strategic stability. It will have to know that the United States is willing to move in a similar direction and be willing to trade away weapons systems in which the United States currently enjoys a technological lead, such as bomber technology, cruise missiles and submarine missile. The carefully defined modernization which the build-down advocates would allow both superpowers to move away from the unstable highly MIRV'd strategic environment which currently predominates. Mod-

ernization under the terms of the build-down is, in fact, synonymous with the elimination of weapons possessing a first strike capability.

In order to create an incentive against the deployment of land-based MIRV'd warheads—or any other MIRV'd weapons with a first strike capability—I have proposed that a stiffer build-down penalty should be imposed for such deployments. Rather than requiring that two warheads be retired for each new MIRV'd warhead deployed, I believe we should insist on three or four warheads being retired in exchange for the deployment of each land based MIRV'd warhead.

I believe that in addition to providing a freeze on all strategic nuclear warheads it is also important that the United States propose a specific timetable during which all MIRV'd land-based missiles would be dismantled in favor of single warhead land-based missiles. This would achieve: First, a dramatic decrease in the number of warheads; second, major decrease in the vulnerability of the land-based missile forces on both sides; and third, and vast reduction in the military "profitability" of any exchange thereby significantly reducing the chance of nuclear war. Because of the Soviet commitment to MIRV'd land-based missiles, it may be necessary to allow them two or three new single warhead missiles for each MIRV'd land-based missile dismantled. Should enough confidence be built up in this process, eventually the negotiated limitations on land-based MIRV technology could be applied to submarine-based MIRV technology.

Throughout the course of ongoing negotiations, different kinds of confidence building measures should be ratified as separate treaties in order to keep a high level of confidence in the arms control process. These measures should include enhanced communications procedures in times of crisis, formal exchanges of high level personnel, the establishment of prescribed dates and times for any weapons tests and onsite observation of weapons tests and test sites.

As a necessary catalyst, I believe that the time for Soviet Premier Andropov and President Reagan to convene a high level summit conference, is necessarily approaching. I believe such a meeting would be important in providing the START talks some much needed momentum. That is why I have cosponsored Senate Resolution 107 calling upon the President of the United States and the Premier of the Soviet Union to meet as soon as possible, but no later than November of 1983, when intermediate range ballistic missiles and cruise missiles are scheduled to be deployed in Western Europe. This meeting would be for the purpose of negotiating significant,

mutual, equal, and verifiable reductions in strategic and intermediate range missiles and warheads.

Let me take a moment to discuss the Kennedy-Hatfield freeze.

At the outset, let me reiterate what I have said many times before; namely, that I believe a mutual, freeze on strategic nuclear weapons would be preferable to the unconstrained arms race, and, with the understanding that it would not apply to the special circumstances of threaten nuclear weapons in Western Europe, it is a proposal I could support. However, I am not convinced the Kennedy-Hatfield freeze is the best approach to achieving peace and stability, and I believe it has some problems we should not ignore.

First, a freeze on all testing, development, and deployment of nuclear weapons would include important elements that could not be verified quickly enough to stop the arms race. Without elaborate onsite inspection procedures, which the Soviets have never agreed to it would be virtually impossible to stop the development and testing of new weapons technologies in laboratories. Without access to factories the activities of weapons production lines would be difficult to verify. How would countermeasures such as antisubmarine warfare technology be frozen? How would the use of modern computers to enhance the accuracy of strategic nuclear warheads be limited? What kind of maintenance and modernization be allowed for each weapons system. There are just a sampling of questions that will be asked about hundreds of weapons systems. I believe the result could be a protracted, highly politicized series of negotiations which will fail to build confidence in the arms control process.

Second, the proposed nuclear freeze would preclude increased reliance on inherently more stable systems, such as submarines, whose invulnerability enhance deterrence. Under the terms of the freeze, if the United States discovered a defect in its current fleet of submarines which made them easy for the Soviets to detect and therefore increased their vulnerability, the defect's elimination would be prohibited. Banning such actions would undercut strategic stability.

Thus, rather than creating a more stable strategic environment a freeze could perpetuate the existence of a highly unstable environment in which land-based MIRV technology predominates. Put another way, freezing the current nuclear balance of terror will prohibit the development of an incentives for the Soviet Union either to negotiate or to move to more stable strategic systems, thereby deemphasizing the first strike capability embodied in their large MIRV'd SS-18 and SS-19 missiles.

Finally, I believe that a freeze which included European theater weapons

would pose serious dangers for the cohesion of the NATO alliance. The decision of the NATO Council of Ministers in 1979 to proceed with a nuclear modernization program was recently reaffirmed at the Williamsburg conference. In large part this reflects European concerns about the current Soviet nuclear domination of Western Europe, achieved by their deployment of over 345 SS-20 missiles and 1,000 warheads targeted on Western Europe. Because NATO has no comparable weapons, European heads of state believe it is highly unlikely that the Soviets will seriously negotiate reductions in these weapons unless they are faced with the prospect that the NATO modernization effort will proceed on schedule.

While I obviously have reservations about the Kennedy-Hatfield resolution, I nonetheless believe that the concept of a nuclear freeze has been very valuable and can be used in concert with the mutually guaranteed build-down—to achieve dramatic reduction in strategic nuclear warheads, while at the same time enhancing strategic stability. The concept of a nuclear freeze has forced our Government and the Nation to focus attention on thinking about how to stop the nuclear arms race and reduce the possibility of nuclear war.

These are goals we both share. If there is a difference in approach it is probably because of my belief that the best way to achieve our common objective is through a negotiating process which emphasizes the elimination of the most dangerous weapons and recognize that if we are to eliminate these weapons we may have to tolerate some limited carefully defined modernization effort.

In closing let me emphasize my conviction that a deep commitment must be made by this and future administrations to the arms control process. The road leading to a world free of the threat of a nuclear war is a long one. Nevertheless, we must travel that road determined to succeed in our mission. ●

FEDERALISM AND EDUCATION

● Mr. MOYNIHAN. Mr. President, on September 25, 1983, my distinguished colleague from Minnesota, Senator DURENBERGER, delivered an address to the National Conference on Financing, Excellence and Equity in Education. I wish to call the attention of my colleagues to Senator DURENBERGER's remarks on federalism and education, and ask that the full text of his speech be printed in the RECORD.

The speech follows:

SPEECH BY SENATOR DAVE DURENBERGER TO THE NATIONAL CONFERENCE ON FINANCING, EXCELLENCE AND EQUITY IN EDUCATION

I am going to begin this discussion of education with a few remarks on one of my

other favorite subjects—federalism. Over the past two-and-one-half years, I have served as the Chairman of the Senate Subcommittee on Intergovernmental Relations and have become convinced that federalism is fundamental to most of the policy questions we ask today. Federalism is, in fact, the fundamental methodology of our domestic policy.

Most of you are probably familiar with a few of the major landmarks in our federal system. Over the last four or five decades, federalism has been focused on the grant-in-aid programs of the national government to the exclusion of most other questions. Hundreds of programs designed by the Congress . . . paid for jointly by the national government and state and local government . . . which deliver every conceivable public service to 225 million Americans . . . and with the national share, alone, costing \$90 billion every year.

It has been called "cooperative federalism." But it is a land of conflict. A struggle for authority between the Union and the states and it is no secret that the national government, armed with the grant-in-aid, has been winning the war. We use the conditional character of the grant—the "here's some money, if you do this" character of the grant—to control the policies and priorities of state and local government. Seeking equal opportunity by attaching it as a requirement to educational grants. Seeking environmental protection by attaching it as a requirement to construction grants.

In this land of conflict, every president since Eisenhower has wanted to be a peacemaker. Every president has announced some major reform program, the newest peace initiative being President Reagan's "single, bold stroke" to realign responsibilities and resources in our federal system. Reagan's plan has met much the same fate as earlier proposals—it languishes in a Congress more responsive to the narrow interests than the broad principles of our form of government.

Looking back over the history of failed federalism reforms—back to the Eisenhower Joint Federal-State Action Committee, the Johnson Great Society, the Nixon and Carter welfare reform proposals—it seems to me that it is the failure to understand the principles of federalism and to elevate them to a higher level of value that has caused our system of government to get more and more complicated and more and more conflictual as each administration comes and goes.

So, in response to the Reagan federalism initiative, I tried my hand at writing a set of principles that would guide our efforts to sort out the intergovernmental system and bring peace to the landscape of domestic policy. What we need, it seems to me, is a set of principles that describe the responsibilities of the national government. Tell us, what are the fundamental national purposes and we can go from there to sort out our complicated inter-governmental system.

It's been a long time since this country wrote a complete statement of national purpose. Article I, Section 8 of the Constitution contains a long list of activities that define the powers of Congress. Secure patents. Build post roads. Establish weights and measures. Raise an army. Punish piracy. Coin money.

When you read Article I, Section 8, it strikes you as a very Eighteenth Century list. But for a long period in our history, it was believed that this list exhausted the legitimate activities that could be lawfully pursued by the national government. In-

cluding this list in the Constitution was an attempt by the founders to limit the reach of the national government by specifying its powers. And nowhere is education mentioned.

In 1854, President Pierce vetoed the first grant program passed by the Congress, arguing that its purpose—assistance to the insane—was beyond the reach of Article I, Section 8. That view didn't last. There is another clause in Section 8—Congress has the power to spend money to promote the general welfare—which has proved the undoing of the founders' intent.

Since the time of the Morrill Act passed during the Civil War, our first grant program and it was for education, the whole of the federal government has been launched from the single clause. We are in some sense without principles to determine the appropriate allocation of responsibilities in our federal system because the Congress can do as it chooses by spending money in the form of a conditional grant-in-aid.

Writing a set of principles that completely defines the purposes of the national government is not an easy task. I suppose that anyone could produce a long list of favored programs that they want continued. But as our experience with Section 8 makes clear, narrowly drafted powers will not stand the test of time. The challenge is to write general principles that are also limiting principles. May I suggest ten.

The first three are clearly constitutional concerns. They reflect the issues that brought the founders to Philadelphia and include the specific powers of Section 8.

The national government has the responsibility to secure the individual rights and liberties guaranteed by the Constitution to all Americans.

The national government has the responsibility to defend American interests and conduct foreign relations in the community of nations.

The national government has the responsibility to promote economic growth and regulate interstate commerce.

The next five proposals I would describe as public administration principles. They focus on efficiency and effectiveness in the conduct of government. Defined tightly, they are intended to counter the notion that whatever is a problem everywhere . . . is thus a problem for the national government. The national government should not be assigned responsibility for a problem simply because that problem is widely experienced. That two of every five bridges in this country are deficient does not make bridges a national responsibility. But there are domestic purposes—widely experienced problems not easily resolved by state and local officials—that the national government ought to take on. My five public administration principles are designed to identify those problems.

The national government has a responsibility where significant savings can be realized by operating a central program. Research and development is the typical case.

The national government has a responsibility where effective intervention cannot be achieved by the states acting alone. The classic example is the FBI, established to combat organized crime.

The national government has a responsibility where significant benefits spill over to citizens in several states. Wilderness protection and the preservation of our cultural heritage are the best examples.

The national government has a responsibility when national policies impose extraor-

inary costs on some states or regions of the country. I think of refugee assistance.

The national government has a responsibility when competition among the states keeps them from implementing programs that would make all better off. I think of the unemployment compensation program. No state, except Wisconsin, could impose a payroll tax to support that system until the federal government stepped in and created a uniform national system.

The last two of my ten principles have been at the heart of the federalism debate over the last year-and-one-half:

The national government has a responsibility to ease the disparities in fiscal capacity among the states. That the national government has a role in mitigating fiscal disparities is a principle already established. Many of the existing grant-in-aid programs and most of the big ones, include some measure of fiscal capacity in the formula used to allocate assistance dollars.

And finally, number ten, the national government has a responsibility to provide for the income security of all Americans. Our goal as a nation should be to achieve as much income security as possible—for as many Americans as possible—through earnings and savings. But social insurance and public assistance are also necessary national purposes. Just as we would not seek full employment through uncoordinated state programs, just as no one would propose turning social security back to the states, for the very same reasons financing public assistance—welfare—is part of the national responsibility for income security.

When you lay these ten principles as a yardstick against the hundreds of existing federal programs, some surprises pop up. First, the principles are oriented to people meeting the needs of people, not the needs of places. The hardware of our society—the infrastructure as it is called these days—does not stick out as a preeminent national concern. Bridges don't have constitutional rights, sewer plants don't need an education.

The second thing that is quite surprising is that where we have a clear federal purpose, we tend to accomplish the mission with a wholly federal agency rather than through some intergovernmental grant-making mechanism. The FBI, the Park Service, the Social Security Administration, and so on.

It might sound heretical coming from the Chairman of the Intergovernmental Relations Subcommittee, but one lesson I have learned from the effort of writing these principles is that we could do with a lot less intergovernmental relations. Our job at the federal level is not to design in detail the systems that deliver services, but primarily to assure that people have access to those services. We could do a lot less on the side of empowering state and local governments to deliver and a lot more on the side of empowering people to consume and to choose among services, and still very ably meet the goals that we identify for the federal government.

I have spent some time laying all of this theory on you to make a very simple point. The business of the federal government is largely people and their ability to develop their talents and meet their needs. But we have chosen over the years to fulfill those responsibilities by dealing with places—state and local governments. That choice—the choice to do everything on an intergovernmental basis, and I mean everything whether the national government has an interest

or not—has created a confused and conflictual system of government that is not doing any part of its task well now.

And that judgment applies nowhere more accurately than in the field of education. What of education? Is it a national purpose or not? I see it all through the ten principles: See it in a way that it has always been seen in our society. It's in part a constitutional responsibility—securing the rights guaranteed by the Constitution. It is part of the responsibility to promote economic growth. And it is most certainly tied to the federal responsibility for income security.

But how in our tomorrows we discharge that responsibility is largely your challenge, not mine. If you leave it to the President and the Congress, we will give you more grant programs—for math and science or merit pay today and God knows what tomorrow. I would like you to tell my colleagues in Washington we need to do more to empower people to choose.

When I was in Minnesota in August, I had the opportunity to meet and visit with a number of young people in nonprofit alternative education summer programs in Minneapolis and St. Paul. These young people, many of them disadvantaged, have attempted to enhance their lives by coming together through a variety of organizations. Their level of knowledge and concern for issues, such as education and war and peace, made me acutely aware of their capabilities.

The recurring message I heard at those meetings was, "Why aren't there alternatives for learning?" Their statements reinforced my conviction that we must reassess our educational policy if we are to provide these young people with the necessary skills and self-confidence they need to flourish in our society.

In making the necessary assessment, we must also ask ourselves, "What is education?" and "How do we go about the process of educating our citizens?" Education is the process of developing God-given talents into an individual influence on the people who make up society. It is an individual process that only I can learn—the process of being educated.

Educating, however, is not necessarily an individual process. We can be educated in a number of different ways—by another individual, by our families, by our society, by our community. Society has designed institutional arrangements to ensure its individual members an adequate education because education is a process by which society expands, proves itself, grows and moves its culture along from one generation to the next.

The institutional arrangement we know best in our particular culture is the family—the interplay between parent and child and the extended family of relatives.

But we also educate through the community, that is the combination of families providing greater information and skills in a community, through community institutions like the church, and what we have come to call nonprofit institutions. The most successful nations of communities prospered by the involvement of government in raising the standards and capacities of community education. Nevertheless, government involvement in education remained at the community level.

I am sure you are familiar with the television programs, Little House on the Prairie and The Waltons. They remind us of the virtues and practices that expanded this nation of little communities into the strongest nation on earth. Those communities took great pride in their schools and educat-

ing their young people. Because of the cohesiveness of the community, the school was able to provide individualized instruction to the students attending. Similarly, the parents fostered and nurtured education at home. Little thought was given at that time to government involvement in education processes beyond the local level.

In fact, in the very early days of our country, there were frequently no "public schools" but there were numerous private and parochial schools, as well as informal institutions that delivered education to the public. This was "public education" in those early years.

How did we get from where we were then to where we are today—which is some combination of those roots and some 58,000 little governmental entities, 50 big ones, and one giant one educating our children? We did it by committing ourselves to equality and accessibility. First, equality dictated that there be true governmental schools for everyone. Second, there had to be an equivalent or equal school for those we didn't consider equal—racial minorities, for example, and the trainable-mentally retarded handicapped, and women. Finally, we mandated that everyone had to participate in the process of education for some period of their lives, whether they wanted to or not. This was coupled with a mandate that parents could be punished for not participating in the quality, accessibility, and compulsory education programs of the government.

With all this in place, we enormously expanded the quality of public education because we were able to provide school buildings, teachers, and time to learn for practically everyone in this country. In the process, however, "public education" came to mean education that is delivered by professionals, administered by administrators, with policy determined by part-time school boards, full-time bureaucrats, local property taxes and lately state legislators.

In the last decade or two we have some good news and some bad news. The good news is that we are now treating everyone, regardless of sex or race, to an equal dose of our education system. The bad news is that despite the equality, our educational product is presumed to be declining.

I do not believe that the way to achieve excellence in education is to simply pour more federal grant dollars into the inefficient system of education which we have established. The current national debate which has centered around federal spending on education is, in my opinion, misguided and inappropriate. What should be debated instead is how we can best achieve efficiency and excellence in education through a wise investment of our earnings, savings, and taxes.

Some of my political associates find the only inefficiency in elementary and secondary education in America to be the absence of prayer and tuition tax credits and the existence of a national Department of Education.

I now believe the President of the United States, like many Americans, is coming around to realize the problem with the quality of education and the solution to that problem lie in one simple word: CHOICE. The lack of choice has caused the failure in our educational system. Providing choice to every American will restore educational greatness.

We in Minnesota are fortunate to have an educator who has shared his thoughts and experience on educational greatness with us. Joe Nathan has expressed his conviction

in his recent book, "Free to Teach." This thought-provoking book leads the reader to ask many fundamental questions about our educational system.

Do our public schools challenge our students?

Do our public schools prepare students for the future?

Do cost-efficient methods exist to improve the public schools?

Are there sufficient incentives to adopt these new methods?

Is our society well served by continued funding of inefficient schools?

Must this society accept more attractive and effective educational programs for the rich?

After addressing these fundamental questions and sharing his invaluable experiences, Joe concludes that we must restore individual choice to education if public education is to succeed. To make choice effective the consumer must come equipped with not only a choice of providers, but the financial ability to make his or her choice effective. We can do so through a system of vouchers, loans, tax credits and grants. We have had experience with all. The weakness in tax credits or deductions is we have no track record on refundability. But we do with vouchers for Medicare, housing, food stamps, and other public services. These changes facilitate choice on behalf of millions of Americans and this, in turn, has translated into improved quality of health care, housing, and nutrition.

Hopefully, we will design a national voucher financing program—not national vouchers. Education is a national priority, but its provision is a matter for community design. As a result, the financial access will be provided for those with the largest public financial burden. At the present time, that burden remains with the states. Accordingly, it is at the state level, rather than at the national level, that a voucher system could be designed to be administered at the community level.

Financing consumers would relieve families from the limitations of residential location. A state voucher program combined with a state-level tax source to finance it could eliminate property taxes as a source of local control and improve some of the existing inter-community fiscal disparity which plagues many states, particularly in older parts of the United States.

I also believe consumer financing and the increased competition would stimulate enthusiasm and increased professionalism amongst the teaching profession. In no other profession are those who actually deliver the service unable to reap the rewards of their efforts. Doctors, lawyers, dentists, all professionals must answer to their respective clients. In turn, however, they are rewarded for excellence. The teaching profession should be no exception.

Vouchers, while my preference, are not the only way to stimulate choice in education. Tuition tax credits are part of that opportunity of choice and Minnesota has been the persistent leader in that regard for almost thirty years.

Minnesota has shown how due respect can be shown for the efforts of our founding fathers and the First Amendment. The United States Supreme Court has endorsed Minnesota's plan and last week the United States Catholic Conference and the major umbrella group for private schools, the American Council on Private Education, also endorsed the Minnesota concept. They, too, have concluded that inclusion of public school stu-

dents is imperative if Congress is to pass a constitutional and acceptable tuition tax credit bill.

To be perfectly frank, I have my doubts whether we are going to pass tuition tax credit legislation this year, because I have my doubts that there will even be a tax bill. I know, with a \$210 billion deficit and a \$1.6 trillion debt this year, and a \$180 billion deficit staring us in the face for each of the next three years, we will be raising tax revenues, not reducing them.

While I may have my doubts about the passage of a tax credit bill, I have no doubts about the form it must take in order to survive constitutional challenge.

I have already signaled my intent not to support tuition tax credits unless they apply to all and cover fees and expenses.

I believe we are all charged with the responsibility of searching for ways in which we can improve our educational system. We must not ignore the lessons taught by our founding fathers. The system which they established in this country has made us the strongest society in the world. Their commitment to the individual and their belief in protection of choice and liberty should serve as an example as we ponder how we might achieve excellence in education.

But a commitment to national purpose is a must. Breaking our tie to the mandate-financing shackles of IGR is also a must. The need to empower people rather than institutions is paramount.

The challenge that awaits us is great, but the rewards that will flow from such excellence will ensure continuation of the tradition of our forefathers (and mothers).

Thank you. ●

IMF HELPS AMERICAN JOBS

● Mr. HEINZ. Mr. President, I would like to call my colleagues' attention to a recent article in the Philadelphia Inquirer which is titled, "IMF Bucks: Where Many of Them Stop is Here." This article examines how IMF funds lent to other nations also aids the U.S. economy. Although this article is a short review of a complex problem, it does point out that trade with nations that rely on IMF funds has a direct effect on U.S. jobs. At a time when the economy is recovering from a deep and prolonged recession, it is imperative that Congress provide renewed funding for the IMF in order to prevent an even greater worldwide financial crisis.

Mr. President, I ask that this article be printed in the RECORD at this point.

The article follows:

IMF BUCKS: WHERE MANY OF THEM STOP IS HERE

(By Diana Henriques)

WASHINGTON.—Prosecutors trying to crack the tough political corruption cases of the last decade used to advise their investigators to "follow the money."

That is also a useful way to assess the significance of the 1983 annual meeting of the International Monetary Fund (IMF) and the World Bank, according to regional bankers and finance officials who gathered here for the sessions last week.

And if you follow the money that has dominated the week-long discussions, some of it leads back to Philadelphia and the Pennsylvania economy.

More than \$147 million of the funds that the United States and other nations have contributed to the World Bank and the International Development Association (IDA) has found its way into the Pennsylvania economy in the last five years.

The World Bank and the IDA, a World Bank affiliate that lends money to poor nations at generous terms, pay for projects in those nations and contract for goods and services to carry them out. Some of those contracts have been won by Pennsylvania companies.

For example, U.S. Steel earned nearly \$7 million in 1982 on World Bank projects. Wheeling Pittsburgh Steel Corp. received \$4.2 million on World Bank projects. Westinghouse Electric Co. operations in Pennsylvania earned \$2.7 million on development projects financed by the bank and another \$452,000 on IDA projects last year.

In addition, Pennsylvania's share of all World Bank and IDA disbursements to U.S. companies has gradually been edging upwards reaching 5.5 percent of the \$849.7 million paid to U.S. companies in 1982, according to World Bank figures.

There was no agreement last week on future IDA contributions, which would be submitted to Congress for approval in the spring.

The Reagan administration wants to hold the IDA funding level to a total of \$9 billion, paid over the next three years—a position it holds alone, with most of its industrialized allies urging a figure of \$12 billion to \$13 billion.

A. W. Clausen, the president of the World Bank, has sought approval for three-year contributions totaling \$16 billion. Although the issue has been eclipsed by congressional debate over the level of U.S. financing for the IMF, the dispute over the U.S. contribution to IDA has drawn considerable criticism from the world's less-developed nations.

Clausen urged the United States to be more generous. He conceded it would be a "tough fight" for the Reagan administration to win a larger IDA contribution from Congress, but added, "I believe the administration can really get what it wants to from Congress . . . if [Reagan] really works for it."

Much attention was also paid last week to Brazil, which owes an estimated \$92 billion to governments, central banks and private banks around the world, including banks in Pennsylvania.

A new \$11 billion package of government and private-bank loans was put together last week for that country, temporarily defusing its debt crisis.

First Pennsylvania is just one of the large banks in the Philadelphia area that have extended loans to Brazil. Philadelphia National Bank (PNB) has Brazilian loans of about \$23 million. Mellon Bank in Pittsburgh reported Brazilian loans of at least \$35 million at the end of 1982.

In exchange for the new credit, Brazil must meet IMF conditions and submit to IMF monitoring during the term of the loans. "The role of the IMF is crucial, because if it isn't there setting these conditions, the banks just won't lend," explained Charles Coltman 3d, senior vice president at PNB.

These conditions include taking steps to cut Brazil's 150 percent annual inflation rate, cutting the built-in cost-of-living increases in the Brazilian wage structure and reducing the role of government in state-owned industries and projects.

The package also requires the approval of the 800 commercial banks, which were represented in the negotiations on Brazil by William Rhoades of CitiCorp in New York.

In his closing remarks Friday, Jacques de Larosiere, managing director of the IMF, offered arguments for his contention that the bankers should approve the deal worked out during the conference.

The recent improvement in Brazil's trade balance has been "extremely sharp, not to say spectacular," de Larosiere said. "And we have a mechanism for early warning [about problems], which reinforces the likelihood of success. That has helped the government and the bank to agree."

There is less panic now, among bankers with loans outstanding in Latin America, according to U.S. Treasury Secretary Donald T. Regan, who said the mood of the IMF sessions this year was "much more positive" than was the mood at the 1982 meeting in Toronto, when the Mexican debt problem dominated the IMF talks.

Leonard A. Caldwell, executive vice president of First Pennsylvania Bank, agreed that the sharpest fears of last year's IMF session has eased. But, he said, the worry about Brazil persists.

And Brazil is not the only problem facing regional bankers when they look at Latin America. Frederick Heldring, deputy chairman of PNB and Coltman toured four Latin American countries this year, and both said the Brazilian case held "the key" to resolving debt problems in Argentina, Venezuela, Chile and other Latin American countries.

Heldring further warned that world trade—which relies in many instances on IMF or World Bank funds—affected U.S. jobs. Noting that U.S. exports to Latin America constituted about 40 percent of U.S. foreign trade, Heldring told a group of Georgetown University students during the IMF conference. "This is really a pocket-book issue for everybody."

"You had better listen to me," he added, "because if this whole financial system falls apart, you are going to have a much tougher time getting a job." ●

PROTECTING THE EFFICIENT FROM THE INEFFICIENT

● Mr. HEINZ. Mr. President, I wish to bring to my colleagues' attention an eloquent and timely speech recently given by Richard P. Simmons, president and chief executive officer of Allegheny Ludlum Steel Corp. The speech, delivered to the Cleveland Rotary Club on September 22, 1983, is titled "The Contradictions of Free Trade," and it is an expert examination of the devastating effects of so-called free trade policies on the specialty steel industry.

Under the cloak of free trade, the past several administrations have allowed the specialty steel industry to be seriously injured by subsidized foreign steel imports. I have witnessed efficient, technologically advanced specialty steel companies being driven literally out of business by less efficient, government-subsidized foreign companies. Without a concerted effort by both the administration and Congress to strengthen U.S. trade laws and enforce existing trade policies, the specialty steel industry in this country

may well vanish under the wave of subsidized foreign steel.

Supporters of free trade cite the lower costs benefits to consumers of imported steel. This advantage, however, is heavily outweighed by the damage inflicted on our economy over the long term. Imported, subsidized steel means lost American jobs, taxes which are never paid, greater unemployment costs, and growth which will never be realized.

Mr. Simmons has proven himself to be an excellent manager of a profitable company which has been successful despite the dumping of imported steel. He has not sought assistance for inefficient or mismanaged companies, but he speaks clearly of the need to maintain the competitive balance of the specialty steel industry against foreign producers—to protect the efficient from the inefficient. His remarks remind us all of the need to restore fair market competition to this vital industry.

Mr. President, I ask that Mr. Simmons' speech be printed in the RECORD at this point.

The speech follows:

SPEECH BEFORE THE CLEVELAND ROTARY CLUB, "THE CONTRADICTIONS OF FREE TRADE," SEPTEMBER 22, 1983, BY RICHARD P. SIMMONS, PRESIDENT AND CHIEF EXECUTIVE OFFICER, ALLEGHENY LUDLUM STEEL CORP.

I have been described by a friend who happens also to be a Washington lawyer involved in the trade area as having become the ultimate cynic. That's quite a lofty perch for anyone to aspire to—but ultimate or not there is little doubt that I have indeed become a cynic. Anyone who has interfaced with government over a long period of time cannot but be a cynic unless he is a fool . . . perhaps not as much of a cynic as those in government themselves, but a cynic, nevertheless. My feelings about the contradictions of Washington are best described by a story. Tell Story.

When a speaker is needed to defend the "protectionist" side of the international trade debate against the forces of darkness, "the free traders," I frequently am invited. I'm not sure whether that is a compliment or merely a reflection of the predictability of my position in the trade war that has raged for several years. In any event, thank you for inviting me to speak about trade and in providing me with a platform to present my viewpoint. Today, however, while my major points will not change, I intend to give a different speech, one that I have never given before, one that may make some in the audience uncomfortable, but one that I believe should be given if we are to be honest with one another.

And for those who do not know me, I should admit with some chagrin that my thoughts are not universally applauded in government circles or by some of my colleagues in the steel industry. Some believe I say things better left unsaid. So I apologize if I offend anyone. I have not set out to do so. On the other hand, I am prepared to defend my position against all comers at any time and any place. And I will fight with every means available to ensure the survival of my company, the 5,000 jobs it

represents as well as the manufacturing sector of the U.S. economy.

Having spent thirty years in the steel business, for the last eleven years as president of Allegheny Ludlum Steel—the largest Specialty Steel company in the United States—it is emotionally draining to witness the industry's slow and systematic destruction as a significant force in our economy. I am filled with many emotions as I have watched these last ten years as a full participant in the trade war, battle after battle . . . skirmish after skirmish. Emotions that have at one time or another been optimism, hope, expectation, followed by bitterness, anger even rage and, finally, realism, pessimism, pragmatism, cynicism, and recognition—recognition that what so many of us who fight the trade battle fight for may be no more attainable than the "Impossible Dream" of the Man from La Mancha.

No, I do not contemplate performing the ancient ritual of throwing myself on my sword to prove my worth today, but I would like to describe frankly and honestly what the issues involving world trade are all about and what role our government plays, how it plays it, and what we can expect from it.

First, my firm, Allegheny Ludlum, is not on the brink of bankruptcy. We are profitable. We were modestly profitable last year and we are more profitable this year. But we do face a serious specialty steel import problem and have for fifteen years. Together with other specialty steel companies we have won a myriad of subsidy cases, anti-dumping cases, escape clause cases since 1971. We have proven injury countless times and received minimal relief. Yet, Allegheny Ludlum still plans to double its fixed assets within five years. We have continued our recruitment of engineers and scientists having spent and continuing to spend over 2 percent of our sales dollar on research and development. We expect to earn a return on investment equal at least to the manufacturing sector of our economy depressed as that may be.

These comments are not intended to brag . . . we have no need to. Rather they are to establish a context for you to interpret my comments. The point is, I am not here begging for sympathy for my company. Allegheny Ludlum will survive and prosper if anyone does and if—and this is a crucial if—we are not forced to continue to compete against business enterprises which do not have as an imperative—as we do—the need to operate at a profit.

I should say for the record I am not here to speak in behalf of obsolete or inefficient U.S. companies which cannot compete. Their banner should be hoisted by others. While I sympathize with those who cannot compete in a free market competition, while I understand the pain that results to everyone involved, no one ever said that the free market system was painless. To the contrary, the free market is the ultimate ruthlessness: The efficient survive, the inefficient fail and disappear.

I am against local content bills which protect the inefficient. I am against U.S. government subsidies—the same subsidies which we oppose in foreign competition. I am against protectionism per se as a distortion of our system. Frankly, I oppose some of the more protectionist measures proposed by my colleagues in the carbon steel industry unless based on U.S. trade laws.

The problems that the steel industry faces are problems a long time in the making. And I believe the problems will be a long

time in the solving, and in the process more steel companies will face grave difficulties. Some may go bankrupt, of that I am convinced. What I am not convinced of is whether out of all of the pain and agony suffered by communities, employees, and shareholders, there will come a result worthy of such pain. As I said at the start, I have become a realist, a pragmatist. And I have learned to my dismay that in matters in which our government is a vital participant that "Good" does not always win out over "Bad." To the contrary, the political process and its ability to deal with complex economic problems—and international trade is one, does not suggest optimism when the track record is studied.

In looking back at over ten years of interface with the government process, I am amazed at how naive I was at the beginning . . . and how naive many U.S. businessmen remain. The normal expectation of a businessman when seeking to use the legal process to obtain redress for injuries caused by foreign competition; or to pursue assistance in dealing with trade problems which are as I have defined them—to simply get government support for the enforcement of U.S. laws—is that our government would be sympathetic to our problems. Nothing could be further from the truth. To many in government we are an irritant. We are cry babies. We are inefficient. We are obsolete. We are paid too much. We are poor managers. We are fat cats. Worst of all, we are protectionist. Regardless of whether we are or not, we are sunset industries when the popular cry is "sunrise" and "high tech." We are not injured by imports . . . and if we finally prevail and prove that U.S. laws are being violated . . . the penalties levied by our government bodies are either de minimus or so late in coming as to be ineffective. And by definition justice delayed is justice denied. In international trade cases, it is delayed and denied.

One of the great misconceptions in this country is that our government speaks with one voice. In the case of trade, particularly in the case of trade, it speaks with many voices, so many so that it speaks with no voice. In any trade case involving a presidential decision and this includes the very important Specialty Steel trade case decided by the President in July, let me walk you through the various outposts of influence.

First, it is necessary to understand that any trade case which would involve imposition of any trade restraint regardless of the nature of the restraint—or the justification—will be opposed by the State Department, the Treasury Department, Office of Management and Budget, Justice Department, and Council of Economic Advisors. In ten years, I do not know of a single trade case which was ever supported by any of the above mentioned departments of government. Each department has its own justification for opposing relief of any kind and the common thread which ties them together is a kind of mafia which has as its overriding belief—"free trade until death"—no relief under any circumstances, for any reason.

The economists who hold positions of policy making importance in every department of government, have come and gone in amazing numbers over the past ten years and four administrations. But in one respect, there has been no change. Free trade and only free trade is the glue which binds together these men throughout our government. It is a religion—and it is a bad religion.

Most free traders and economists in government believe that dumping is good—and they would repeal or at the least leave unenforced—our trade laws. The theory of those who believe in this fashion is simple. Dumping is good because it permits the consumer to purchase goods at prices lower than they could otherwise. If the dumping is possible only because of government subsidy . . . In the long run, the governments can't continue to subsidize. They dismiss as irrelevant the fact that there are offsetting costs to the economy which may more than offset the savings to consumers; that even efficient technologically advanced companies cannot survive as long a time as a government can continue to subsidize; and to me that is what—in its most elemental form—the trade issue is all about. For if efficient, technologically advanced U.S. companies can be driven out of business by less efficient foreign companies it is difficult to be optimistic about the future.

It is this fundamental point that this free trade Mafia which has such power is unwilling to accept. Supported as they are by the editorial policies of the Washington Post, The New York Times, and yes, The Wall Street Journal, this cabal is able to bring tremendous political influence to bear on any decision which smacks of protectionism and they never let facts—unassailable facts—get in the way of their commitment to free trade.

Then how do we ever win a trade case? Very simply, by presenting overwhelming and convincing evidence to the remaining departments of government and by bringing to bear political influence by enlisting the support of influential members of Congress who help win the hearts and minds of those that are close to the President. This process is unchanging regardless of the party in power. The faces change in the departments of government. The President changes as administrations change, but the scenario has not changed in the twelve years I have been involved in the matter of Specialty Steel trade. The free trade bias of the economists of virtually every department of government can be measured by its intensity and its constancy.

Fortunately, in recent years and particularly in this administration, we have had even-handed treatment by the Commerce Department and by the Department of Trade—the Special Trade Representative's office. They have made an honest attempt to see that our laws are enforced and meaningful remedies implemented. Having made and won our recent cases, we won their support justifiably. Unfortunately, they could not carry the day against the array of forces of darkness, and so in the case of flat rolled Stainless Steel we won but we lost in terms of meaningful relief, and so you wonder why I am a cynic.

To document my case concerning this free trade Mafia, let me read from the August 15, Washington Post concerning the President's decision in the Houdaille machine tool case.

"Furthermore, the Cabinet officials had agreed that the facts justified Reagan's authorizing of unfair-trade charges against the Japanese, although there was a group of self-described white-hat pure free-traders who, on ideological grounds, vehemently opposed taking action.

"The Houdaille case remains important today nearly four months after the White House decision, because it shows most vividly the confused and inconsistent nature of administration trade policy.

"The Houdaille case also illuminates the sharp differences within the administration between ideological free-traders and a more pragmatic group that espouses free-trade principles but believes that since few, if any, other nations practice it, the best the United States can hope for is 'freer trade' or 'fair trade.'"

"At most of those meetings it was Brock and Baldrige against the world," one high administration official said.

"They were strongest on the side of Houdaille against the 'white hats' of the Office of Management and Budget, the Council of Economic Advisers and Deputy Treasury Secretary R. T. (Tim) McNamar. The State Department generally favored Japan. * * *

The free trade-protectionist debate is always fought within the government by free traders on extreme positions. The issue is always inefficient American businessmen, greedy ones, incompetent ones trying to keep out efficiently produced, technologically advanced products demanded by American consumers. Such people invoke the name of Adam Smith and his disciples as justifications for unfettered free trade—even if it is not free and even if it is not based on comparative advantage.

Let me examine the steel trade issue and attempt to reduce it to its most elemental issue. Let's first examine the charges and the blame for there is much to spread around—enough for all.

First, let's agree that those of us who are identified as management are guilty of some terrible decisions. Instead of shutting down off water plants, distant from markets of the 60's, 70's and now the 80's investments were made incrementally in many of these plants, unwilling or unable to shut down such facilities many of which were the only employer in some communities. The steel industry, should, had they understood the changing dynamics of steel costs and prices, instead have invested in a few state of the art primary plants which could feed more distant finishing facilities closer to the market demand. Of that charge, the steel industry is guilty.

Second, perhaps the steel industry should have anticipated the sharp decline in demand for steel initiated first by the trauma of the auto industry and now the capital goods industry as well. It does not matter that no one else including the Japanese anticipated the wrenching changes which have occurred since 1974.

Third, we should not have let employment costs reach present levels taking strikes which in the 60's our own government would not let us take. But are clearly guilty here.

Fourth, we should have invested more rapidly in new technology and improved productivity more quickly—even if this meant reducing shareholder dividends sooner.

These are most of the charges leveled against the steel industry and the Specialty Steel Industry in its recent battle—even though untrue in the case of specialty steel by those who would obscure the basic issue.

So let's eliminate any steel plant not located on a deep water port; let's eliminate plants which cannot operate at 80 percent capacity because of location or market demand; let's eliminate plants and companies which have a product mix which is labor intensive; let's eliminate any plants which do not employ state of the art technology, and what then do you have? You have a few integrated carbon steel plants in the United States which ought to be able to

compete with any in the world, right? No—wrong. Wrong because even the Japanese cannot earn even a marginally acceptable rate of return on investment in the most modern plant in the world. Except for the aberration caused by a world shortage of oil country goods in 1979-1981, Japanese firms earned less than a two percent return on invested capital over a five year period.

And the reason is simple. Most of the world's capacity is now government-owned or subsidized and its products do not have to meet the test of profit or capital formation.

It is for reasons such as this that I refuse to debate trade issues in simple "black hat-white hat" terms. I refuse to accept the thesis that there are only two polar positions in this grand debate regarding international trade and that a person must be either a free trader or a protectionist. I believe there is a rational position which is neither of the extremes. But those within the government who oppose relief will have none of it. And I charge that such people are at the least intellectually dishonest when they refuse to draw a distinction between the efficient and the inefficient.

If I can make a case that even efficient technologically advanced U.S. companies which face such competition will not survive in such a fight, the debate is no longer a debate between free trade and protectionism. The debate, the issue, becomes one of whether our nation's manufacturing infrastructure, high tech or otherwise, can survive over the long run.

If I make no other point today, I hope that I make this one clearly. This is really the battleground—instead of the seductive, enticing beauty of free trade—as free traders would have you believe. If efficient, productive U.S. companies cannot survive because of the kind of distortions promoted and supported by free traders, then what is left but the funeral for our free market system. And if our system does not survive, those that champion free trade—even when subsidized—will bear a heavy burden of responsibility.

You might ask, and properly so, says who? Who says you are efficient, productive, technologically advanced? And that's why 1983 has been such a monumental year. Because the President of the United States in speaking of the Specialty Steel Industry said it, and let me quote:

"The injury to the domestic specialty steel industry is clear. The Specialty Steel Industry is an efficient, technologically up-to-date and export-oriented branch of the steel industry * * * regarded as an advanced, innovative and competitive industry, specialty steel producers in the United States have tended to be more profitable than the industry as a whole and far more so that most of their major competitors abroad.

"Nevertheless, the industry is facing an unprecedented challenge to its continued prosperity, and a number of its member firms are fighting for survival * * *

If you are willing to accept the findings of the President (whose trade representative conducted the investigation) and the U.S. International Trade Commission and the U.S. Commerce Department then perhaps you may be concerned, as I have been for ten years, that it is not just the inefficient who do not have a chance and that is a frightening realization. It is not just a problem of poor management, or high labor costs, or obsolescence or lack of productivity.

It should also be frightening to you to know that in spite of the President's find-

ings that Treasury, State, OMB and CEA fought bitterly to the end to reduce the relief finally imposed by the President to an insignificant minimum. In spite of the unsalable facts, the free trade Mafia would not—could not—support meaningful relief as required by U.S. law.

Implicit in any investment decision made by the private sector is the belief that the investment decision will enhance the worth of the corporation or more specifically will provide or protect a rate of return which exceeds the available rate for a riskless investment if properly selected and if properly executed by those making the investment.

A businessman functioning in the free market must be willing to accept the penalty of failure if he wishes to enjoy the rewards of success—and we in the specialty steel business are willing.

For import sensitive businesses like steel or more important to me specialty steel, however, that may not be the case. A company may be technologically advanced, productive, cost competitive and still be driven out of business in today's world of international competition. Without reward as a result when success is achieved, our private sector mechanism no longer motivates (indeed, no longer works). When this concept does not work or is not permitted to work for external reasons independent of the efficiency of the venture, it results in uncertainty and this must inevitably lead to less investment or even disinvestment.

But doctrinaire free traders will have none of that. They are unwilling to address that issue. Their case is simple. Any import is good if it is sold at lower price than domestic products notwithstanding that the only reason may be, as it is in the case of specialty steel, because of the trade distortions caused by government ownership, government subsidies, sales below cost, sales which are predatory, sales at prices which would violate U.S. law if a domestic corporation practiced the same predatory policy.

This idealistic quest for inviolate free trade, without compromise pursued by the free trade Mafia is no more achievable than was the impossible quest of Don Quixote. Unfortunately, the ripple effect of this kind of policy affects entire industries, communities, companies and tens of thousands of employees and their families.

My adversaries will respond as they always do by accusing me of crying "wolf" over every little violation. If I am perhaps overly blunt, it is because I have witnessed, for fifteen years, my industry being destroyed, systematically, by such predatory policies. I have witnessed companies driven out of business, companies driven to bankruptcy, administration after administration fail to develop a coherent trade policy and to administer our laws, weak as they are. Who says so? Secretary of Commerce Baldrige was quoted in the September issue of Business Week as saying, "We still don't have an overall trade policy. We've got a series of ad hoc policies." I agree . . . I agree.

Those identified with "free trade" positions make an eloquent case. Goods are produced presumably in the part of the world which can most efficiently produce those goods. Goods are traded back and forth presumably with each nation doing what it does best. Each nation benefits from trade flows based on comparative advantage.

Those who are displaced from their jobs and businesses because of foreign imports are sufficiently mobile (in this classic economic model) to move to other economic

sectors which enjoy a comparative advantage and can thus compete.

But what happens if trade flows are distorted? What are the natural consequences if an increasing number of trading nations restrict trade flows into their nations and distort comparative advantages by subsidizing trade flow out of their nations? Is this not a negative sum game for anyone on the wrong end of the transaction?

The free trader would point out that imported goods offered at lower prices than domestic goods of equal quality offers benefits to consumers and in effect raises the standard of living. To him it matters not "how" or "why" the goods are offered at lower prices than domestic goods of equal quality. The fact that such goods are available is good—inherently. Comparative advantage, while seminal to the original concepts of free trade, is not relevant to those committed to the precepts of free trade.

As one well-known free trader said to me, "... if the British government wants to subsidize the American consumer by subsidizing specialty steel exports to the U.S.—that's good." The most short sighted aspect of that statement is the willingness of the free trader to ignore comparative advantage—to sacrifice efficient companies on the altar of cheap imports—even if they are subsidized. The free trader counts the "first order" savings to the consumer while ignoring the "second" and "third order" costs to our society measured by jobs lost, taxes not paid, unemployment benefits and other welfare costs, investments not made, profits lost, R&D curtailed, growth which never takes place—even to companies like Allegheny Ludlum which have remained profitable—the insidious and incremental weakening of our corporate fiber.

I believe that protectionism which protects against illegal, subsidized trade does not contravene the concepts of "free trade." I believe that free trade which implicitly accepts the concepts of comparative advantage, indeed insists that trade among nations be based on comparative advantage, is a vital ingredient if we are to have a growing, competitive economy. But I believe also that there are clear, unassailable examples of subsidized trade which violate our laws, weak as they are, which cause massive incremental, cumulative and permanent injury to this nation.

You may describe me as a "free trade-protectionist," committed to the same protection under U.S. law that I would have from any domestic competitor who attempted to drive me out of business illegally.

Yet these same laws firmly embodied in the U.S. economic system, intended to protect U.S. business against illegal (and by definition monopolistic or predatory) domestic competition, offer no aid when the illegal, monopolistic act (and no less damaging) is committed by a foreign company.

As important as the survival of Allegheny Ludlum Steel may be to me (or even the entire Specialty Steel Industry), the stakes are far higher than the survival of this high technology, competitive industry.

The real question is whether any business can compete or be expected to compete and survive against world businesses which do not have to meet our disciplines of profit and capital formation. If competing systems do not have to meet our disciplines or our laws, does our economic system have a future?

I would like to pose the question: Can our system—the market system—long endure if we place in doubt the rewards that should

go with success measured by technology, cost competitiveness and efficiency? If foreign competition can for long periods of time distort the price in the marketplace only because they are financially supported by their government, it is difficult to be optimistic about the future for any U.S. business required to compete in such an environment. And to those who say over the long run foreign governments cannot continue to subsidize, I say—they can far longer than my firm can.

Can we not and should we not ask those who insist on viewing the trade question in simplistic terms (of) "free trade" versus "protectionism": Is the former always the good guy? Is the latter always the bad guy? I don't believe all imports are bad. Indeed, when they meet the test of comparative advantage they add to the wealth of this economy. But at the same time I don't think protectionism is all bad when it is used to protect American jobs, American companies and American self-interest from predatory practices against which we have no workable defense.

This grand debate as I refer to it must resolve ultimately the question of U.S. economic competitiveness in a world where only the U.S. places its business at a material disadvantage. Does the term "free trade" have relevance in a contest where the players play by such different rules?

And so I have no optimistic statements with which to close my comments today. No optimism to mislead you into thinking I believe that in the end our industry and our economy will triumph, or that we can expect much meaningful help from our governments.

The awakening of other industries, like aircraft and electronics to the same problem we in specialty steel have faced for so long, offers some hope. For steel as a whole, it is difficult to be optimistic. I believe, barring a war, that the industry will continue to contract over the next five years unless a meaningful, workable trade policy is developed and implemented.

In specialty steel we shall continue our fight against less efficient, less competitive foreign competitors which exist only because of government subsidies. We shall continue to fight against the free trade Mafia I have described—inside and outside of government—which refuses to make the distinction between true competition and the distortion caused by government subsidies around the world. And without a tremendous awakening on the part of the voters in this country and businessmen like you who may not have been faced with this kind of subsidized and targeted competition, the manufacturing sector of this economy will be destroyed—incrementally over time—but it will be destroyed. The only real hope I can offer is that there may still be time for some. But only business people like you all over this country can change the present script of this modern tragedy... and it is indeed the third act.

Only if the leaders of business and industry are willing to make the distinction between efficient and inefficient companies and to speak out for the kind of action which it will require—can I be even slightly optimistic.

While trite, it is true. The bell tolls for thee as well. ●

OUTER CONTINENTAL SHELF

● Mr. JOHNSTON. Mr. President, in less than 2 weeks we will celebrate the

10th anniversary of the Arab oil embargo which marked the beginning of the energy crisis. The ensuing shortage resulted in a dramatic runup in crude oil prices, and caused an unprecedented worldwide recession.

During that 10-year period, the United States was the only producing nation whose crude oil production went down. We are now beginning to see our crude oil imports begin to rise. With regard to natural gas, last year marked the resumption of a decade long trend in which we failed to find as much natural gas we consumed. Virtually every industry expert that I know is predicting a severe natural gas shortage within as little as 2 years.

It is against this backdrop that we must consider what we are about to do on the OCS. Roughly half the oil and gas we will need by the year 2000 has not yet been discovered. Estimates are that 59 percent of future domestic crude oil discoveries and 39 percent of future domestic gas discoveries will be made offshore. As if this task were not great enough we are now about to make it more difficult through unprecedented OCS withdrawals.

Mr. President, such actions thwart the procedures established under the Outer Continental Shelf Lands Act Amendments of 1978. That piece of legislation was as thoroughly considered as any to come before this Congress. It was passed three times in the Senate and twice in the House. Twice we had a conference report. There were a total of 13 days of hearings and 13 days of committee markup in the Senate. The House had an ad hoc Select Committee on the OCS which drew from four standing committees. We consulted a wide range of government and private studies on the issue, including the University of Oklahoma's "Energy Under the Ocean." Finally, on September 18, 1978, the measure was signed into law by Jimmy Carter, one of the most environmentally aware presidents that this country has ever known.

Now, with no hearings, no markups, no consideration by any of the jurisdictional committees, and based upon a random smattering of evidence, we are about to withdraw from future production in some cases permanently, ocean lands with enormous, untapped energy resources. We do so in the face of declining production and heightened tensions in the Middle East, and we do so based not upon grounds of legitimate protection of other ocean resources but largely upon esthetic and political grounds, and we do so in a blatant circumvention of the ordinary legislative process.

I wish to express my vehement objection to this procedure, and announce my intention to resist to the utmost any similar attempts in the future. If the OCS program needs to

be reviewed, then let us review it in a thorough rational way with full consideration by the proper committees. We spent too long on and gave too much thought to the provisions of the OCS Lands Act amendments to now undertake unwarranted and haphazard withdrawals. If the last 10 years has taught us anything, hopefully it has taught us a better way.●

NIGERIAN DEMOCRACY NEEDS U.S. SUPPORT

● Mr. KENNEDY. Mr. President, it is important for us to take note of a recent victory for democracy in Africa—Nigeria's recent elections this past summer. While Nigerians voted to reaffirm their commitment to democratic institution and their constitutions, the current severe economic difficulties compound the challenge of sustaining and strengthening democracy.

As Prof. Jean Herskovits observed recently in the New York Times, Nigeria urgently needs the IMF stabilization funds to meet its foreign debt schedule and to maintain economic stability. I share her conclusion that "unless the administration and Congress can separate our own domestic politics from decisions about IMF funding we will undermine a Nigerian democracy that needs time to forge stability." I submit Dr. Herskovits' important article, "To Ease Nigeria's Debt Crisis," to be printed at this point in the RECORD.

The article follows:

[From the New York Times, Oct. 6, 1983]

TO EASE NIGERIA'S DEBT CRISIS

(By Jean Herskovits)

As the United States and the other International Monetary Fund members wrangle over Washington's contribution to the Fund, the organization risks jeopardizing one of its key roles—stabilizing the economies of developing countries beset by global recession. The Fund renounces any political role or political criteria for lending, but its support is sometimes vital for recipient countries trying to consolidate democracy. It must not now abandon this role in Nigeria, where a fledgling democracy is trying to weather severe economic difficulties.

On Oct. 1, the 23d anniversary of Nigerian independence, Shehu Shagari began his second four-year term as President. In five weekly elections starting in August, Nigerians affirmed their four-year-old American-style Constitution. The elections, although marred by fraud and violent incidents, were a victory for democracy—a victory that surprised many skeptics. But this is not the end of the test: More challenges to democracy lie ahead—at a time of economic malaise.

Nigeria depends on oil exports (it is our second-largest supplier) for 90 percent of its foreign exchange. The country has been hard-hit by the oil glut brought by world recession, and its \$14 billion debt seriously threatens economic planning and the people's expectations. The Government has been looking to a projected I.M.F. program to help it get through its debt crisis.

For the moment, Nigerians are still preoccupied with the elections—the violent inci-

dents that followed the Presidential vote and the fraud in balloting, voter registration and authorization of polling places. There were, however, no detentions, preventive or otherwise, and President Shagari is adamant that Nigeria shall not have a single political prisoner. Paradoxically, the fraud can be interpreted as evidence of Nigerians' commitment to democracy: Local party members often did their rigging with an eye to 1987 elections, positioning themselves to stake claims based on what they "delivered" this time. What is clear is that President Shagari won with strong support throughout the country—an important mandate for what the Constitution dictates must be his last term.

His greatest challenge will be to reassure Nigerians that the state can provide democracy and social justice. Several continuing lawsuits over some of the election results are helping to dispel uncertainties about the voting. But he must also meet explosive charges that elected and appointed political figures have prospered, often unethically, while millions of already poor Nigerians bear growing hardships. In his first term, he launched an as yet rhetorical campaign against corruption, but he himself despairs at how hard it will be to eliminate it. This term he must do more.

He also insists that this time he will choose his own Cabinet and advisers: no lists from party branches, no lobbying on the basis of results delivered. His party has a majority in both Senate and House, and his nominations and programs will meet less obstruction than when four opposition parties together held the majority.

But to succeed, his programs must be accompanied by economic stability. The President recognizes this and accords economic questions a top priority. Even during the election campaign, he did not lift tough austerity measures, meeting some of the conditions for a \$2 billion I.M.F. program even before negotiations were begun. Yet there is a limit to what he can do. Although oil revenues are improving as the world moves out of recession, the slowness of recovery, global conservation and quotas set by the Organization of Petroleum Exporting Countries mean that Nigeria's foreign debt problems will not disappear quickly, despite the basic soundness of its economy.

An imminent agreement with the I.M.F. was expected to open the way to solutions. Instead, for the first time ever, a lack of funds threatens to halt all of the Fund's new stabilization programs. The obstacle is America, the only major contributor failing to authorize its quota subscription, thereby threatening the Fund's liquidity. Nigeria will be an immediate victim.

Nigerians have never asked a foreign country to solve their problems, nor do they now. But they are entitled to ask that those who say they value democracy do not compound those problems. Unless Americans look beyond what they wrongly perceive as economic self-interest—and unless the Administration and Congress can separate our own domestic politics from decisions about I.M.F. funding—we will undermine a Nigerian democracy that needs time to forge stability. That would serve neither Nigeria's interests nor our own.●

SOVIET UNION DENOUNCED FOR DESTRUCTION OF KAL FLIGHT 007

Mr. LUGAR. Mr. President, the brutal destruction of Korean Air Lines

flight 007 has had a profound effect on our Nation. This tragedy has spurred reactions from across the Nation, politicizing and uniting people and organizations in a most remarkable outpouring of anger and horror.

One group, the General Federation of Women's Clubs, with 10 million members, was meeting in Toronto in early September. At that time, outraged by the action of the Soviets, they put aside their other business to adopt a resolution denouncing the Soviet Union and calling for specific responses from the Soviet Union and the world.

I think their resolution is an important statement, and I commend it to my colleagues' attention.

The resolution follows:

RESOLUTION

Whereas on September 1, 1983, the Soviet Union shot down an unarmed civilian commercial Korean Flight 007 airliner with 269 passengers, men, women, and children, and

Whereas the penetration of Soviet air space was intentional and possibly due to a navigational error and

Whereas the Soviet Union tracked the Korean aircraft for more than two hours, and therefore, had sufficient time to make proper identification and

Whereas the Soviet Union has stated they would repeat this appalling act if someone strayed over their air space again and

Whereas the General Federation of Womens Clubs, an international organization of 10,000,000 women has always been concerned about Human Rights and Values, and

Whereas this murderous act constitutes a grave violation of Human Rights, therefore:

Resolved The General Federation of Women Clubs gives full support to President Reagan's demands that

1. The Soviet Union make a public apology
2. The Soviet Union make reparation to the families of the murdered passengers
3. The nations around the world suspend Soviet flights into their country and ban flights from their country to the Soviet Union for 60 days, and
4. The Soviet Union cooperate in an International effort to avoid future barbaric acts.

Presented to the GFWC Board of Directors Meeting by the G.F.W.C. Resolutions Committee on September 9, 1983, Toronto, Ontario, Canada.●

BUILD-DOWN WOULD NOT STOP THE BUILDUP

● Mr. KENNEDY. Mr. President, after long delays the Reagan administration has now incorporated the proposal for a nuclear weapons build-down into its third formal START proposal in a little over 1 year. This proposal, calling for the deployment of new nuclear warheads while destroying old ones in larger numbers has been presented as a stabilizing method for reducing the inventory of nuclear warheads in both the United States and the Soviet Union.

The weakness of this argument is apparent from the numbers alone.

The administration's planned deployment of 100 MX missiles, each carrying 10 warheads, would require a reduction of 2,000 existing warheads—most of the currently existing land-based nuclear warheads in the United States. This could leave the remaining warheads potentially vulnerable to a Soviet preemptive first strike.

Herbert Scoville, former assistant director of the Arms Control and Disarmament Agency and Deputy Director of the CIA, and a strong advocate of effective arms control and a verifiable nuclear freeze, has written a persuasive article pointing out the basic flaws in the build-down proposal. I ask that Dr. Scoville's article, "Build-Down (-Doom?)" appear at this point in the RECORD, and I hope that my Senate colleagues will consider his convincing arguments when considering the merits of the build-down proposal.

The article follows:

[From the New York Times, Oct. 11, 1983]

BUILD-DOWN (-DOOM?)

(By Herbert Scoville)

WASHINGTON.—Observers on both the right and the left have nodded approvingly toward President Reagan's "build-down" proposal for simultaneously reducing and modernizing our strategic forces. This is not surprising: Liberals and conservatives alike are drawn to the idea because it would allow the procurement of new weapons while reducing the total numbers in the stockpile. People on both sides see it as a laudable compromise and do not notice that it totally fails to address the key goal of arms control—to reduce the risk of the outbreak of a nuclear war. Nor, apparently, do they understand that it is President Reagan's latest attempt to subvert the arms control movement and buy Congressional support for the MX missile system.

Even if build-down could be turned into a practical measure—something its backers have failed to accomplish in its nine-month gestation period—it would not increase the stability of the strategic balance so long as no restrictions are placed on new multiple-warhead missiles such as the MX. It will only make it more likely that the MX and comparable Soviet missiles, such as the SS-18 and the new SS-X-24—all capable of carrying 10 warheads—will be used in a first strike.

The Congressional supporters of a build-down, such as Senators William S. Cohen and Sam Nunn and Representatives Les Aspin, Albert Gore Jr. and Norman D. Dicks, have pushed this concept on the Administration as their price for supporting procurement of the MX and as their justification to arms control constituents for doing so. They argue that their proposal will increase stability. In fact, together the MX and build-down would inevitably produce instability.

All one has to do is to put a few numbers into the build-down proposal and its emptiness becomes obvious. In order to make a build-down proposal attractive to arms controllers, its backers have tended to call for the destruction of two warheads for each new warhead added to the stockpile. In the interest of selling the proposal to arms controllers, the Administration avoided any specific ratio in its recent announcement.

But unless this ratio is 2 to 1 or higher, the proposal will do little to reduce the number of weapons deployed.

Why? The Administration is calling for the deployment of 100 MX missiles carrying 1,000 warheads. Using the 2 to 1 ratio and assuming that we will deploy 100 MX's, then 2,000 warheads would have to be withdrawn from the existing stockpile. This would require the removal of 550 Minuteman III's, each with three warheads, and 350 Minuteman II's and Titans, each with one warhead. The total number of land-based missiles or launchers in the United States strategic stockpile would be reduced from 1,050 to 250—a cut in potential Soviet targets by more than one-quarter.

What this means, in effect, is that the United States will lose its relatively secure land-based force: The much smaller remaining number of American missiles will continue to be housed in admittedly vulnerable Minuteman silos—and would be a very attractive target for a Soviet pre-emptive attack. This is particularly true since a large fraction of the remaining missiles will carry warheads designed to have the accuracy and yield to threaten Soviet intercontinental ballistic missiles.

Nor can the problem be solved by requiring a similar build-down on the part of the Soviet Union. Indeed, the threat to the United States' deterrent will be greatly magnified if Moscow chooses not to dismantle SS-18's with 10 warheads or to replace its older smaller missiles with SS-X-24's. Even if the Kremlin does not replace the older missiles but merely keeps its SS-18's and destroys some of its older missiles in order to reach the 5,000 warhead total or the 5 percent per year cut proposed by President Reagan, the United States' land-based missile force will be much more vulnerable than it is today. Of course, Soviet missiles will be similarly vulnerable, so the pressure to start a nuclear conflict will be even greater.

There is no way of getting around the basic fact of missile life that replacing missiles having one or only a few warheads by missiles with 10 warheads will lead to a more vulnerable and dangerous situation. Reductions that do not involve cutting the number of warheads per missile will lead to less stability—no matter what kind of a Christmas package one wraps them in. Yet every single proposal that the Reagan Administration has put forward at the strategic arms reductions talks ignores this obvious fact. Unfortunately, the lesson is also lost on many Congressional enthusiasts eager to have their finger in some arms control pie, even if it means supporting the MX missile—and thus increasing the chances of a nuclear war. ●

IN CELEBRATION OF NIKOS KAZANTZAKIS' 100TH ANNIVERSARY OF HIS BIRTHDAY

● Mr. KENNEDY. Mr. President, in commemoration of the 100th anniversary of the birth of Nikos Kazantzakis, the State of Massachusetts proclaimed the week of October 10-16 as "Nikos Kazantzakis Week."

Nikos Kazantzakis, the world renowned Greek author of more than 30 books of drama, prose, poetry and philosophy, whom most Americans know from his book "Zorba the Greek," was internationally respected both as a

writer and a statesman. He fought for human dignity, freedom and social justice through rich and exuberant portrayals of simple and sincere people. Until his death in 1957, Kazantzakis was actively involved in many social and political debates. He sought to further the mutual understanding of people worldwide in his extensive travel series reflecting the vitality and the intellectual freedom of the people of Europe, Asia, and Africa.

In Massachusetts various cultural and educational events were organized in his honor this past week. Last Friday, on October 14, his widow Helen Kazantzakis delivered a lecture entitled "Kazantzakis and Freedom" at Harvard University.

Having visited Nikos Kazantzakis' grave site in Crete 8 years ago and been moved by this great man's words, I am proud to join in the centennial birthday celebration and to remember once again his invaluable contribution to the universal struggle for human dignity, freedom, truth, and social justice. ●

CLINCH RIVER—CONSERVATIVES STILL SAYING NO

● Mr. HUMPHREY. Mr. President, the supporters of the Clinch River breeder reactor project and of the alternative financing plan for this project like to think they have the support of those who back the development of nuclear power. Yet, there is one major group of nuclear power supporters—conservatives—that have made it very clear that they do not support continued Federal aid to the Clinch River breeder reactor.

Conservative opposition to the project first surfaced 2 or more years ago when several prominent conservative Republican Members of the House and Senate spoke out against Clinch River. Their complaint is simple. Continued Federal support of the Clinch River breeder reactor no longer makes any economic sense, given the glut of cheap uranium and the low growth in nuclear electricity demand. If the commercialization project made any sense, the private sector would be willing to support the project beyond the 9-percent commitment it has pledged.

The backers of the project recognized these objections when they consented to increase the amount of private cost-sharing for the project. Their new financing plan, which they now tout as a cost-sharing scheme, was supposed to take care of fiscal conservative objections.

Unfortunately, this alternative financing scheme is simply an expensive loan. Indeed, as both the General Accounting Office and the Congressional Budget Office have reported, the plan actually increases the Government's exposure to risk and adds nearly a

quarter of a billion dollars to the project's cost.

Instead of continuing to fund all of the project directly from congressional appropriations, the plan would require the Government to surrender ownership of the plant along with the right to any revenues that the reactor might make from electricity sales. The Government would also have to increase its current 5-year fueling and operation responsibility to the project to a full 30-year period.

What the Government would get in exchange is a private loan for \$1 billion and \$150 million worth of equity shares. The catch of this scheme is that Federal Government must guarantee to repay the loan plus interest and guarantee tax benefits to the equity investors worth more than the equity shares themselves.

This plan has outraged many conservatives and rightly so. Indeed, both the Heritage Foundation and Coalitions for America, which includes the Moral Majority and Paul Weyrich's Committee for the Survival of a Free Congress, have recently published pieces against Clinch River and the proposed alternative financing plan.

Mr. President, Senators BUMPERS, METZENBAUM, PROXMIER, BOSCHWITZ, HART, and COHEN have long argued that the proposed Clinch River financing plan is too controversial to be considered on other legislative vehicles such as continuing appropriations resolutions or supplemental appropriations bills. What is needed is separate legislation that is reviewed by all the pertinent House and Senate appropriations and authorization committees.

Because conservatives have been most articulate in explaining why the Clinch River financing plan is so unsound and controversial, I ask that the full texts of the Heritage Foundation's latest Executive Memorandum, "Clinch River: Another Off-Budget Mistake," and Coalitions for America's recent letter to the Senate be entered into the RECORD.

The material follows:

CLINCH RIVER: ANOTHER OFF-BUDGET MISTAKE

It seems that Congress never learns. Just as the Senate is wrestling with the fallout from the \$2.25 billion bond default by the Washington Public Power Supply System (WPPSS), it is giving consideration to an ill-conceived plan to float \$1 billion in federally guaranteed bonds to finish the controversial Clinch River Breeder Reactor. The reactor's supporters also want an additional \$1.5 billion in direct appropriations for the project. Like WPPSS, the Clinch River plan would use "off-budget" financing to mask a \$1 billion increase in the federal deficit. In short, it is another expensive fiasco in the making.

Last December funding for the Clinch River Reactor was defeated by the House, and it squeaked through the Senate by just one vote. Congress eventually agreed to continue funding only if the Department of

Energy (DOE) would "vigorously explore" ways of including private sector finance "that would reduce federal budget requirements."

The new DOE proposal, backed by Clinch River supporters, finesses this requirement with a package that includes private sector financing in name only. Although investors supposedly would provide 40 percent of the \$2.5 billion needed to complete the \$3.6 billion reactor (current DOE cost estimates), this turns out to mean a \$675 million short-term loan from private sources, to be retired in 1990 (with accrued interest) by \$1.04 billion in federally guaranteed bonds, together with just \$150 million in equity shares and \$175 million from the utilities. The remaining \$1.5 billion would be provided by the taxpayer through a one-time congressional obligation vote. The taxpayer also would be responsible for any further cost overrun, and for redeeming the guaranteed bonds if project revenues fall below expectations.

The plan has many of the inherent weaknesses of the original WPPSS package—and is as bad a deal for the American taxpayer as it would be lucrative for the bondholders and investors. According to Congressional Budget Office Director Rudolph Penner, the tax advantages available "imply that the after-tax rate of return earned by the equity investors would be about 37 percent, while the after-tax rate of return for bondholders would be 7.5 percent." Moreover, the bondholders will enjoy a federal guarantee, so they need care little whether the reactor produces any revenues at all. Not only that, CBO calculates that this private "cost-sharing" plan would actually cost the Treasury nearly \$250 million more than financing the reactor with an on-budget appropriation.

So who benefits? Certainly the bondholders. The investment brokers are also likely to do very nicely out of the \$1 billion bond offering—as they did with the WPPSS issue. Merrill Lynch, for instance, made \$22.5 million in commissions—the largest in the firm's history—by underwriting \$750 million in WPPSS bonds. And the contractors can take cheer that future work would be assured, virtually free of congressional oversight or real cost constraints.

The taxpayer, on the other hand, has little to be happy about. Not only will he end up paying more, thanks to the financing package, but he can take little comfort in the "considerable confidence" expressed by Energy Secretary Donald Hodel regarding the estimated completion costs. When the reactor was first authorized in 1971, the cost was put at \$400 million (over half to be provided by the utilities). A year later this was revised upwards to \$700 million. The most recent estimate by DOE is \$3.6 billion. But the ink was hardly dry on that figure before it was revealed that an internal departmental study had predicted a further overrun of \$300 million, and a delay in the completion date of 1½ years.

The plan also shifts the enterprise off-budget, and it ends congressional oversight by substituting a one-time obligation of \$1.5 billion in place of the annual Clinch River appropriation. When projects are moved off-budget in this way, the taxpayer loses the power to have the management and finances scrutinized by his representatives. Yet the enterprises are not subject to marketplace constraints either. They move to a twilight zone where management is insulated from those who must foot the bill for any mistakes. WPPSS is a classic example of what can happen.

Removing projects from the glare of the federal budget process makes good sense to politicians, however. It means that new debt can be created without expanding the official federal budget deficit. Yet there is only one practical difference between issuing \$1 billion in federally guaranteed Clinch River bonds and openly appropriating the money and adding it to the federal deficit—it costs more.

Proponents of the Clinch River project maintain that the technology has enormous commercial value, yet they can only interest the private sector by giving away the store. They say the construction costs are now firm—but estimates have jumped nearly ten-fold in 12 years. They contend that revenues from the project will cover the cost of financing bonds—just as Congress assumed in the case of WPPSS—yet the economics of breeder-generated electricity is, to say the least, uncertain. And when finally pressed for reasons why Congress should borrow and spend at least \$2.5 billion, they say that it makes sense because the taxpayers have already sunk \$1.5 billion into the project.

It is time for the American public to cut its losses. The breeder reactor might well be the energy technology of the future—so might solar power or some yet unimagined system. That does not mean the federal government should risk billions of dollars on the Clinch River project. It is the epitome of crude industrial policy for Congress to pick an energy "winner" and then bribe a reluctant private sector to invest in it. The marketplace will channel finance into the right technology—at the right time—given the state of available estimates on comparative costs, demand and risk. When government tries to outguess the market, and ignore its signals, the result is WPPSS.

STUART M. BUTLER,
Director of Domestic Policy Studies.

COALITIONS FOR AMERICA,
Washington, D.C., October 4, 1983.

DEAR SENATOR: As the Congress reconvenes, you will most likely find that there will be attempts to attach funding for the Clinch River Breeder Reactor to a continuing resolution. We strongly urge that you oppose any such attempts.

CRBR is a bad proposal, it is not worth cost-sharing; industry plans reflect this fact, currently they are unwilling to share few of the costs or risks involved with the project.

If, however, the proposal is a sound one, we would urge you to refer it to the appropriate authorizing and appropriating committees in the House and Senate for review. Then and only then will the true sense of the Senate and House prevail. We should trust our rules and procedures, not try to slip in a boondoggle through the back door.

Pleas by the proponent of the project for more time must be ignored; they were suppose to have the necessary plans in place by mid-March as the Congress instructed them in the conference report of December; no hearings were held on the plan; finally, when the plan was completed in June it was virtually identical to the plan submitted by DOE and the Breeder Reactor Corporation to the Congress on March 15 which DOE refused to submit legislation for in May; DOE further refused to submit legislation for this plan in July even though it could have done so. In short, the only reason we do not currently have a cost sharing plan is delay caused by the delays of the proponents of the project.

We hope that you will oppose the further funding of the Clinch River Breeder Reactor, and furthermore oppose any efforts to make it part of any continuing resolution.

Sincerely yours,

Paul M. Weyrich, Executive Director, Committee for the Survival of a Free Congress; Gregory B. Butler, Director of Operations, Coalitions for America; Fred L. Smith, Jr., Government Affairs Director, Council for a Competitive Economy; Neal Blair, Executive Director, Free the Eagle; Bill Billings, Executive Director, National Christian Action Coalition.

Joan Hueter, President, Pro-America; Larry Pratt, President, American Society of Local Officials; Richard B. Dingman, Legislative Director, Moral Majority; Father David Finzer, National Chairman, Young Conservative Alliance of America; Ron Robinson, President, Young Americans Foundation.

Titles for Identification Purposes only.●

PROGRAM

(Mrs. HAWKINS assumed the chair.)

Mr. BAKER. Madam President, I know of nothing further to be done today. The Senate will convene at 9:30 in the morning. There will be a period for the transaction of routine morning business.

The Senate will return to the consideration of the King bill tomorrow at 10 a.m.

Following the disposition of the Martin Luther King, Jr., holiday bill, the Senate is expected to take up a number of conference reports, possibly the conference report on Department of the Interior appropriations, as well as the conference report on Labor-HHS, if received from the House. Following that, the Senate will resume debate on the State Department authorization bill. There is a possibility of a late evening session with rollcall votes into the evening.

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. BAKER. Madam President, I move, in accordance with the order previously entered, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to and, at 6:24 p.m., the Senate recessed until tomorrow at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 18, 1983:

DEPARTMENT OF STATE

Thomas P. Shoesmith, of Virginia, a career member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Lewis A. Dunn, of Virginia, to be an Assistant Director of the U.S. Arms Control

and Disarmament Agency, vice Thomas D. Davies, resigned.

U.S. INTERNATIONAL COOPERATION DEVELOPMENT AGENCY

Frank J. Donatelli, of Virginia, to be an Assistant Administrator of the Agency for International Development, vice Francis Stephen Ruddy.

INTER-AMERICAN FOUNDATION

The following-named persons to be members of the Board of Directors of the Inter-American Foundation for the terms indicated, to which positions they were appointed during the recess of the Senate from August 4, 1983, until September 12, 1983:

For the remainder of the term expiring September 20, 1984:

Langhorne A. Motley, of Alaska, vice Thomas O. Enders, resigned.

For a term expiring September 20, 1988:

J. William Middendorf II, of Virginia, vice Marc E. Leland, term expired.

DEPARTMENT OF ENERGY

Helmuth A. Merklein, of Texas, to be an Assistant Secretary of Energy (International Affairs), vice Henry E. Thomas IV, resigned.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Terry Edward Branstad, of Iowa, to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 1987, vice Christopher S. Bond, resigned.

FEDERAL COMMUNICATIONS COMMISSION

Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1978, vice Anne P. Jones, resigned.

DEPARTMENT OF TRANSPORTATION

John H. Riley, of Virginia, to be Administrator of the Federal Railroad Administration, vice Robert W. Blanchette, resigned.

CORPORATION FOR PUBLIC BROADCASTING

James T. Hackett, of Virginia, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 1, 1984, vice Harry O'Connor, resigned.

DEPARTMENT OF DEFENSE

William E. Mayer, of California, to be an Assistant Secretary of Defense, vice John Howard Moxley III, resigned.

IN THE ARMY

The following named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Raphael D. Tice, xxx-xx-xxxx, U.S. Army (retired).

IN THE NAVY

The following named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Richard A. Miller, xxx-xx-xxxx, 1310, U.S. Navy.

IN THE COAST GUARD

The following Regular officers of the U.S. Coast Guard for promotion to the grade of captain:

Frederick A. Kelley
Stephen L. Richmond
Billy G. Cunningham
Alfred T. Miles
David Corson
Michael J. Schiro
Richard V. Consigli
Clifford E. Banner
Thomas F. McGrath

III
Phillip J. Bull
Alvin Cattalini
Gary F. Vannevel
James F. Brodie, Jr.
Frank A. Boersma
Roger W. Bing
Joseph B. Coyle
William W. Barker

III
Gerald F. Woolever
Nelson H. Keeler, Jr.
Gill R. Goodman
Howard B. Gehring
Robert L. Armacost
John R. Harrald
Thomas E. Blank
Timothy G. McKinna
Thomas D. Fisher
David J. Connolly

James J. Lantry
Robert E. Fenton
William A. Caster
Arthur B. Shepard
Peter C. Busick
Jeffrey D. Hartman
Ernst M. Cummings
Denis J. Bluett
Edward E. Demuzzio
John D. Adams
Jan F. Smith
Dana W.

Starkweather
David L. Andrews
Barham F.

Thompson III
Nicholas H. Allen
Richard J. Heym
Anthony R. Adams
William A. Monson
Karl W. Mirmak
Virgil L. O'Grady
Frederick J. Grady

III
Robert A. Yuhass
Gerald T. Willis
Karl A. Luck
Gary T. Morgan
James M. Loy

The following licensed officers of the U.S. Merchant Marine to be permanent commissioned officers in the Regular Coast Guard in the grade of lieutenant (junior grade):

Ronald L. Terry
Jerzy W.

Siemiatkowski

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than indicated.

LINE OF THE AIR FORCE

Major

Cedel, Thomas E., xxx-xx-xxxx
Johnson, Allen M., xxx-xx-xxxx
Luedeking, Edward A., xxx-xx-xxxx

Captain

Abbott, James A., xxx-xx-xxxx
Acton, Thomas W., xxx-xx-xxxx
Affholder, Joseph J., xxx-xx-xxxx
Albers, James H., xxx-xx-xxxx
Albro, Charles W., Jr., xxx-xx-xxxx
Allen, Gerald D., xxx-xx-xxxx
Allen, Jerry L., xxx-xx-xxxx
Alvarado, Alfred B., Jr., xxx-xx-xxxx
Ames, Charles L., xxx-xx-xxxx
Ames, Dwight C., xxx-xx-xxxx
Anderson, Joseph A., xxx-xx-xxxx
Anderson, Thomas M., xxx-xx-xxxx
Andrews, David E., xxx-xx-xxxx
Anninos, Constantine, xxx-xx-xxxx
Arcuni, Joseph G., xxx-xx-xxxx
Argo, Steven D., xxx-xx-xxxx
Armstrong, Frank A., xxx-xx-xxxx
Arrington, Dexter L., xxx-xx-xxxx
Arrisi, Joseph M., xxx-xx-xxxx
Aston, Scott J., xxx-xx-xxxx
Atkinson, Earl C., xxx-xx-xxxx
Auber, Ingelore, xxx-xx-xxxx
Babb, Bruce W., xxx-xx-xxxx
Bagwell, Melanie A., xxx-xx-xxxx
Bailey, George D., III, xxx-xx-xxxx
Bailey, Theodore C., xxx-xx-xxxx
Baker, Alfred C., III, xxx-xx-xxxx
Baker, James F., xxx-xx-xxxx
Ballengee, Joseph K., xxx-xx-xxxx
Barclay, Robert E., II, xxx-xx-xxxx

Barger, Samuel K., xxx-xx-xxxx
 Barker, Robert E., Jr., xxx-xx-xxxx
 Barnes, Boone A., xxx-xx-xxxx
 Baron, Ronald S., xxx-xx-xxxx
 Barrett, Thomas A., xxx-xx-xxxx
 Barwick, Donald E., xxx-xx-xxxx
 Baslone, Joseph C., xxx-xx-xxxx
 Bates, James M., Jr., xxx-xx-xxxx
 Baugh, Daniel W., xxx-xx-xxxx
 Baughman, James D., xxx-xx-xxxx
 Bean, Kenneth A., xxx-xx-xxxx
 Beauvais, Frank J., xxx-xx-xxxx
 Beavers, Willard, xxx-xx-xxxx
 Bennett, Catherine A., xxx-xx-xxxx
 Berg, Richard A., xxx-xx-xxxx
 Best, Charles K., xxx-xx-xxxx
 Biernesser, James R., xxx-xx-xxxx
 Bigelow, Daniel E., xxx-xx-xxxx
 Billingham, Marc W., xxx-xx-xxxx
 Bishop, Gregory H., xxx-xx-xxxx
 Bisio, James A., xxx-xx-xxxx
 Blackwell, Rocky L., xxx-xx-xxxx
 Blagg, Charles E., xxx-xx-xxxx
 Blake, Shelly A., xxx-xx-xxxx
 Blanpied, Robyn B., xxx-xx-xxxx
 Blocker, William E., xxx-xx-xxxx
 Bonham, Stanley B., xxx-xx-xxxx
 Booker, Alan K., xxx-xx-xxxx
 Boone, Timothy M., xxx-xx-xxxx
 Bothwell, James O., xxx-xx-xxxx
 Boulian, David H., xxx-xx-xxxx
 Bower, James M., xxx-xx-xxxx
 Bowers, Donald B., xxx-xx-xxxx
 Bowman, John D., xxx-xx-xxxx
 Boyce, Richard D., xxx-xx-xxxx
 Boyd, Jimmie V., xxx-xx-xxxx
 Boyd, Kenneth E., xxx-xx-xxxx
 Bracken, Mark D., xxx-xx-xxxx
 Bradley, Jack L., xxx-xx-xxxx
 Bradley, Ray T., xxx-xx-xxxx
 Bradley, William R., xxx-xx-xxxx
 Bradich, Richard A., xxx-xx-xxxx
 Brandon, William A., xxx-xx-xxxx
 Breiner, Steven V., xxx-xx-xxxx
 Bright, Joseph A., xxx-xx-xxxx
 Briles, Gayla J., xxx-xx-xxxx
 Brisson, David A., xxx-xx-xxxx
 Broline, Leonard C., xxx-xx-xxxx
 Brown, Thomas W., xxx-xx-xxxx
 Bruce, David L., xxx-xx-xxxx
 Buckingham, Richard W., xxx-xx-xxxx
 Buckley, Howard J., xxx-xx-xxxx
 Bujosa, Juan A., xxx-xx-xxxx
 Bungay, Robert V., xxx-xx-xxxx
 Bureta, Robert T., xxx-xx-xxxx
 Burgess, Susan A., xxx-xx-xxxx
 Burgher, Marcus L., xxx-xx-xxxx
 Burnett, Albert F., xxx-xx-xxxx
 Burnett, Kermit V., xxx-xx-xxxx
 Burwell, William F., xxx-xx-xxxx
 Bussinger, Michael J., xxx-xx-xxxx
 Buteau, David R., Jr., xxx-xx-xxxx
 Cain, Robert C., xxx-xx-xxxx
 Campbell, Donald W., xxx-xx-xxxx
 Campbell, Parnell M., xxx-xx-xxxx
 Cantrell, Steven A., xxx-xx-xxxx
 Cappel, Eric H., xxx-xx-xxxx
 Carlson, John A., xxx-xx-xxxx
 Carmany, Michael G., xxx-xx-xxxx
 Carter, Charles A., xxx-xx-xxxx
 Chabannes, Rene N., xxx-xx-xxxx
 Chadwick, Kenneth R., xxx-xx-xxxx
 Chalk, Leonard H., xxx-xx-xxxx
 Charles, Gary E., xxx-xx-xxxx
 Charneskie, Philip R., Jr., xxx-xx-xxxx
 Chilcote, John W., xxx-xx-xxxx
 Chilcote, Ronald D., xxx-xx-xxxx
 Chudzik, Michael M., xxx-xx-xxxx
 Clark, George D., III, xxx-xx-xxxx
 Clark, Robert S., xxx-xx-xxxx
 Clayton, Guy E., xxx-xx-xxxx
 Cline, Robert J., xxx-xx-xxxx
 Coffee, John A., xxx-xx-xxxx
 Collier, John E., xxx-xx-xxxx

Collins, Kenneth S., Jr., xxx-xx-xxxx
 Collins, Timothy M., Jr., xxx-xx-xxxx
 Colon, Nestor A., xxx-xx-xxxx
 Conder, Gary W., xxx-xx-xxxx
 Condron, James D., xxx-xx-xxxx
 Cook, David E., xxx-xx-xxxx
 Cooper, Franklin D., III, xxx-xx-xxxx
 Copeland, Dale T., xxx-xx-xxxx
 Corbett, Steven A., xxx-xx-xxxx
 Cornelissen, Janice L., xxx-xx-xxxx
 Cottrell, Wayne M., xxx-xx-xxxx
 Cowan, Suzanne L., xxx-xx-xxxx
 Cox, Linda D., xxx-xx-xxxx
 Crain, Harold L., xxx-xx-xxxx
 Croucher, Drew E., xxx-xx-xxxx
 Cumbie, Ralph J., xxx-xx-xxxx
 Curry, Darrel G., xxx-xx-xxxx
 Czapor, Peter W., xxx-xx-xxxx
 Dady, John A., xxx-xx-xxxx
 Dale, David E., xxx-xx-xxxx
 Daria, Christopher S., xxx-xx-xxxx
 Daub, Gerald R., xxx-xx-xxxx
 Davidson, Gerald D., xxx-xx-xxxx
 Davis, Claire L., xxx-xx-xxxx
 Dean, Kathy L., xxx-xx-xxxx
 Debnam, Jone H., III, xxx-xx-xxxx
 Decurtis, Francis A., xxx-xx-xxxx
 Deeter, Fred R., xxx-xx-xxxx
 Delane, Daniel L., xxx-xx-xxxx
 Denninghoff, George W., xxx-xx-xxxx
 Dew, Bradley S., xxx-xx-xxxx
 Diamontopulos, Gregory J., xxx-xx-xxxx
 Diaz, John H., Jr., xxx-xx-xxxx
 Diischer, John B., xxx-xx-xxxx
 Dirosario, Joseph P., xxx-xx-xxxx
 Dominey, Tommy E., xxx-xx-xxxx
 Donahue, Dennis P., xxx-xx-xxxx
 Donahue, Julie E., xxx-xx-xxxx
 Doody, James M., xxx-xx-xxxx
 Dorsey, Charles E., xxx-xx-xxxx
 Droz, Michael, xxx-xx-xxxx
 Dubois, Kenneth G., II, xxx-xx-xxxx
 Dunavin, James B., xxx-xx-xxxx
 Duncan, Ted E., xxx-xx-xxxx
 Dunn, Frederick C., Jr., xxx-xx-xxxx
 Durham, Danny E., xxx-xx-xxxx
 Eardley, Robert V., Jr., xxx-xx-xxxx
 Early, Frances M., xxx-xx-xxxx
 Ebelingbelt, Pamela K., xxx-xx-xxxx
 Eddington, Wayne A., xxx-xx-xxxx
 Eggett, Clyde M., xxx-xx-xxxx
 Eliswerth, Edwin F., xxx-xx-xxxx
 Elam, Albert G., Jr., xxx-xx-xxxx
 Ellis, Kenneth D., xxx-xx-xxxx
 Elmore, John B., xxx-xx-xxxx
 Elvebak, Martha H., xxx-xx-xxxx
 Embler, Johnny M., xxx-xx-xxxx
 Enos, Frank C. M., xxx-xx-xxxx
 Erkmann, Joseph C., xxx-xx-xxxx
 Espinosa, Rene C., xxx-xx-xxxx
 Fagan, Barry, xxx-xx-xxxx
 Fales, Gary R., xxx-xx-xxxx
 Farmer, Jane B., xxx-xx-xxxx
 Fatt, Joseph G. C., xxx-xx-xxxx
 Feltenberger, David A., xxx-xx-xxxx
 Ferguson, Gary B., xxx-xx-xxxx
 Fernandes, Charles J., xxx-xx-xxxx
 Fernandez, Jorge A., xxx-xx-xxxx
 Ferneau, Dallas H., xxx-xx-xxxx
 Fidler, Douglas K., xxx-xx-xxxx
 Fields, Harold, Jr., xxx-xx-xxxx
 Fike, Glen P., xxx-xx-xxxx
 Fink, Mikel Q., xxx-xx-xxxx
 Fitzgerald, Bruce M., xxx-xx-xxxx
 Flick, Glenda R., xxx-xx-xxxx
 Flinders, Bradley T., xxx-xx-xxxx
 Floyd, Horace J., Jr., xxx-xx-xxxx
 Flury, Robert M., xxx-xx-xxxx
 Fotheringham, Jack H., xxx-xx-xxxx
 Fout, Terry G., xxx-xx-xxxx
 Foxworthross, Faustena S., xxx-xx-xxxx
 Francis, Mary K., xxx-xx-xxxx
 Fruehling, Todd A., xxx-xx-xxxx
 Fuller, Richard S., xxx-xx-xxxx

Fuller, Wayne L., xxx-xx-xxxx
 Furtak, Walter R., xxx-xx-xxxx
 Galloway, Nancy L., xxx-xx-xxxx
 Gande, Kathleen T., xxx-xx-xxxx
 Garafola, Gerald A., III, xxx-xx-xxxx
 Gardner, Cheryl E., xxx-xx-xxxx
 Garrett, John K., xxx-xx-xxxx
 Garron, Steven M., xxx-xx-xxxx
 Garth, Orlin N., xxx-xx-xxxx
 Garvin, Randolph D., xxx-xx-xxxx
 Gavrila, Geoff G., xxx-xx-xxxx
 Gentry, Linda M., xxx-xx-xxxx
 George, Don R., xxx-xx-xxxx
 Gerardo, Richard A., xxx-xx-xxxx
 Gewalt, Paul K., xxx-xx-xxxx
 Ghormley, Robert E., xxx-xx-xxxx
 Gibaldt, Richard M., xxx-xx-xxxx
 Gibbs, Curtis R., xxx-xx-xxxx
 Gibson, Deborah S., xxx-xx-xxxx
 Gibson, Richard D., xxx-xx-xxxx
 Gigliotti, William L., xxx-xx-xxxx
 Gillum, Gregory M., xxx-xx-xxxx
 Glaze, William S., xxx-xx-xxxx
 Glymph, Terry B., xxx-xx-xxxx
 Geohe, Edward O., Jr., xxx-xx-xxxx
 Goldstein, Ronald P., xxx-xx-xxxx
 Goller, David A., xxx-xx-xxxx
 Gomes, Raymond D., xxx-xx-xxxx
 Goodman, Michael S., xxx-xx-xxxx
 Goodman, Reginald S., xxx-xx-xxxx
 Gootee, Kevin J., xxx-xx-xxxx
 Gordon, John S., xxx-xx-xxxx
 Gordon, Sherman, xxx-xx-xxxx
 Gore, Johnnie J., xxx-xx-xxxx
 Gradney, Joseph J., xxx-xx-xxxx
 Grant, Laura L., xxx-xx-xxxx
 Graves, Stanley C., xxx-xx-xxxx
 Gray, David S., xxx-xx-xxxx
 Green, Larry D., xxx-xx-xxxx
 Greenawalt, Stephen L., xxx-xx-xxxx
 Gregor, George G., xxx-xx-xxxx
 Griffin, Gary E., xxx-xx-xxxx
 Griffiths, David N., xxx-xx-xxxx
 Grimes, Ann M., xxx-xx-xxxx
 Grimes, Gary C., xxx-xx-xxxx
 Grove, Michael E., xxx-xx-xxxx
 Guidry, Michael D., xxx-xx-xxxx
 Gulley, Judy C., xxx-xx-xxxx
 Gunnarsson, Thor V., xxx-xx-xxxx
 Guzzi, James F., xxx-xx-xxxx
 Hackett, Antonina, xxx-xx-xxxx
 Hadley, David S., xxx-xx-xxxx
 Hale, David A., xxx-xx-xxxx
 Hall, Barbara A., xxx-xx-xxxx
 Hall Bob J., xxx-xx-xxxx
 Hall, David C., xxx-xx-xxxx
 Hall, Douglas B., xxx-xx-xxxx
 Hall, Jay A., xxx-xx-xxxx
 Hall, Tommy V., xxx-xx-xxxx
 Hammon, Tim D., xxx-xx-xxxx
 Hansen, Paul M., xxx-xx-xxxx
 Hansen, Ronnelle A., xxx-xx-xxxx
 Hanson, Charles M., xxx-xx-xxxx
 Hanson, Harry A., III, xxx-xx-xxxx
 Harris, William D., Jr., xxx-xx-xxxx
 Harris, William K., xxx-xx-xxxx
 Hart, Michael C., xxx-xx-xxxx
 Hart, Thomas J., xxx-xx-xxxx
 Hartman, Joseph W., xxx-xx-xxxx
 Harville, Randall C., xxx-xx-xxxx
 Haslem, Richard M., xxx-xx-xxxx
 Hatch, James F., xxx-xx-xxxx
 Hausen, Martin S., xxx-xx-xxxx
 Havrilak, George T., Jr., xxx-xx-xxxx
 Havrilla, Martin M., xxx-xx-xxxx
 Hawley, Dale V., xxx-xx-xxxx
 Hayes, Bruce E., xxx-xx-xxxx
 Hayter, Leon J., xxx-xx-xxxx
 Healy, Patrick S., xxx-xx-xxxx
 Hebblewaite, Thomas D., xxx-xx-xxxx
 Hereford, Martha A., xxx-xx-xxxx
 Hermann, Richard L., xxx-xx-xxxx
 Hernandez, Arnaldo, xxx-xx-xxxx
 Hernandez, Conrad R., xxx-xx-xxxx

Hess, Richard E., xxx-xx-xxxx
Hettinger, Joseph A., xxx-xx-xxxx
Hewitt, Bura R., xxx-xx-xxxx
Heymann, Michael B., xxx-xx-xxxx
Higbee, Terry A., xxx-xx-xxxx
Hiley, Eugene W., Jr., xxx-xx-xxxx
Hill, Wesley W., xxx-xx-xxxx
Hiller, Scott A., xxx-xx-xxxx
Hinkel, Wayne F., xxx-xx-xxxx
Hinkle, Joan E. P., xxx-xx-xxxx
Hobbs, Charles A. V., xxx-xx-xxxx
Holmes, Thomas C., Jr., xxx-xx-xxxx
Hook, Glenn W., xxx-xx-xxxx
Houser, Michael S., xxx-xx-xxxx
Howard, Jerone, xxx-xx-xxxx
Howard, Marc A., xxx-xx-xxxx
Howard, William R., xxx-xx-xxxx
Hufnagle, Douglas J., xxx-xx-xxxx
Hughes, Charles G., xxx-xx-xxxx
Hulsey, Thomas F., xxx-xx-xxxx
Humm, John J., Jr., xxx-xx-xxxx
Hunt, James D., xxx-xx-xxxx
Hunter, Kent D. E., xxx-xx-xxxx
Hurd, Rachel M., xxx-xx-xxxx
Hurst, Jeffrey M., xxx-xx-xxxx
Hutchins, Richard M., xxx-xx-xxxx
Hutto, Robert K., xxx-xx-xxxx
Iler, Everett L., Jr., xxx-xx-xxxx
Isaacson, Douglas G., xxx-xx-xxxx
Isbell, Kenneth D., xxx-xx-xxxx
Jackowski, Michael A., xxx-xx-xxxx
Jackson, Gary L., xxx-xx-xxxx
Jackson, John S., xxx-xx-xxxx
Jackson, Steven E., xxx-xx-xxxx
Jackson, Thomas E., xxx-xx-xxxx
Jackson, Vera M., xxx-xx-xxxx
James, Joseph E., xxx-xx-xxxx
James, Larry A., xxx-xx-xxxx
Jayme, Ernesto J. R., xxx-xx-xxxx
Jenkins, Gloria P., xxx-xx-xxxx
Jensen, Alan N., xxx-xx-xxxx
Jensen, David W., xxx-xx-xxxx
Jensen, John S., xxx-xx-xxxx
Jewett, Ronald K., xxx-xx-xxxx
Jinwright, Dianne M., xxx-xx-xxxx
Johnsen, Edward D., xxx-xx-xxxx
Johnson, Clemenceau W., xxx-xx-xxxx
Johnson, David C., xxx-xx-xxxx
Johnson, David R., xxx-xx-xxxx
Johnson, David S., xxx-xx-xxxx
Johnson, Ferdinand B., III, xxx-xx-xxxx
Johnson, James N., xxx-xx-xxxx
Johnson, Johnnie R., Jr., xxx-xx-xxxx
Johnson, Joseph H., III, xxx-xx-xxxx
Johnson, Linda L., xxx-xx-xxxx
Johnson, Terrance A., xxx-xx-xxxx
Jolly, David L., xxx-xx-xxxx
Jones, Carl D., xxx-xx-xxxx
Jones, Carlette J., xxx-xx-xxxx
Jones, Douglas M., xxx-xx-xxxx
Jones, James H., xxx-xx-xxxx
Jonutis, Stanley M., xxx-xx-xxxx
Jordan, Courtney L., Jr., xxx-xx-xxxx
Jordan, Richard M., xxx-xx-xxxx
Joy, Michael C., xxx-xx-xxxx
Joyce, James P., xxx-xx-xxxx
Kamman, Rudolph I., xxx-xx-xxxx
Kauskey, Michael L., xxx-xx-xxxx
Kearl, Leonard C., Jr., xxx-xx-xxxx
Keefe, Daniel T., xxx-xx-xxxx
Keefe, Robert W., Jr., xxx-xx-xxxx
Keetch, John R., xxx-xx-xxxx
Kellahan, Richard L., xxx-xx-xxxx
Kelly, Robert, xxx-xx-xxxx
Kern, Robert J., xxx-xx-xxxx
Kidd, Sheldon A., xxx-xx-xxxx
Kiehn, Ernest L., xxx-xx-xxxx
Kiever, Richard J., xxx-xx-xxxx
Kilbourn, Thomas B., xxx-xx-xxxx
Kinane, Michael L., xxx-xx-xxxx
King, John J., xxx-xx-xxxx
Kinsey, Johann R., xxx-xx-xxxx
Kirk, Darrell L., xxx-xx-xxxx
Kirk, Samuel E., xxx-xx-xxxx

Kiser, Thomas W., xxx-xx-xxxx
Knechtel, Stephen C., xxx-xx-xxxx
Knowles, Ralph J., xxx-xx-xxxx
Kolbeck, John A., xxx-xx-xxxx
Koller, Michael G., xxx-xx-xxxx
Kouglas, Christopher A., xxx-xx-xxxx
Koumis, Ares G., xxx-xx-xxxx
Kowalski, Michael A., xxx-xx-xxxx
Kramer, Margaret E., xxx-xx-xxxx
Krause, Robert H., xxx-xx-xxxx
Krueger, Otto S., xxx-xx-xxxx
Krzywickicox, Sharon L., xxx-xx-xxxx
Kuhns, David, xxx-xx-xxxx
Kuramoto, Barry M., xxx-xx-xxxx
Kurtz, Keith W., xxx-xx-xxxx
Kurch, Edward J., xxx-xx-xxxx
Lacroix, Shelby H., Jr., xxx-xx-xxxx
Laibinis, Gabriel, xxx-xx-xxxx
Lajoie, David E., xxx-xx-xxxx
Langer, Gerard A., xxx-xx-xxxx
Lannoye, Richard J., xxx-xx-xxxx
Lanwehr, Lawrence M., xxx-xx-xxxx
Lapre, Wesley J., xxx-xx-xxxx
Larimore, William J., xxx-xx-xxxx
Larkin, Frederick G., xxx-xx-xxxx
Latham, Phillip R., xxx-xx-xxxx
Laugerman, Robert C., xxx-xx-xxxx
Laughlin, Val J., xxx-xx-xxxx
Lauten, Fredric R., xxx-xx-xxxx
Lawrence, Karl K. M., xxx-xx-xxxx
Lawrence, Stanley, xxx-xx-xxxx
Lawson, Gary D., xxx-xx-xxxx
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The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with

grades and dates of rank to be determined by the Secretary of the Air Force provided that in no case shall the officers be appointed in a grade higher than that indicated.

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 Hull, Daniel B., xxx-xx-xxxx
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 Jackson, Deneice L., xxx-xx-xxxx
 Jenkins, Jeffrey C., xxx-xx-xxxx
 Longley, Jo, xxx-xx-xxxx
 Martin, Joseph E., Jr., xxx-xx-xxxx
 McCarty, Brian D., xxx-xx-xxxx
 McDougal, James N., xxx-xx-xxxx
 Mehm, William J., xxx-xx-xxxx
 Mitchell, Melinda A., xxx-xx-xxxx
 Montgomery, James D., Jr., xxx-xx-xxxx
 Newberry, Michael R., xxx-xx-xxxx
 Newsome Richard D., xxx-xx-xxxx

Nielsen, Steven K., [REDACTED]
 Palmer, Ronald J., [REDACTED]
 Parnell, Michael J., [REDACTED]
 Patrick, Darryl H., [REDACTED]
 Prescott, Richard A., [REDACTED]
 Rasley, Thomas W., [REDACTED]
 Rau, Thomas H., [REDACTED]
 Ray, Dennis L., [REDACTED]
 Richardson, Susan E., [REDACTED]
 Rosker, Linda B., [REDACTED]
 Rusden, Michael J., [REDACTED]
 Sarvaideo, Robert J., [REDACTED]
 Sharon, Danny J., [REDACTED]
 Shonebarger, Paul J., [REDACTED]
 Sondrup, Daryl D., [REDACTED]
 Souza, Albert, Jr., [REDACTED]
 Sutay, Rebecca J., [REDACTED]
 Teters, Joyce E., [REDACTED]
 Ward, William W., [REDACTED]
 Waterhouse, Lindsey C., [REDACTED]
 Wilkins, Kenneth M., [REDACTED]
 Williams, Mark D., [REDACTED]

IN THE NAVY

Scott A. Rudowski, a Naval Reserve Officers Training Corps candidate, to be appointed a permanent ensign in the line of the U.S. Navy, pursuant to title 10, United States Code, section 2107.

Ens. Robert G. Mull III, U.S. Naval Reserve, to be appointed permanent ensign in the line of the U.S. Navy, pursuant to title 10, United States Code, section 531.

The following named Naval Reserve officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593:

Grant, George N. Scruggs, Thomas M.

Kenneth R. Noel, ex-Naval Reserve officer, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593.

The following named U.S. Navy officers to be appointed permanent commander in the Medical Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593:

Demakas, John J. Wagner, William J.

Comdr. Steven A. Fertig, U.S. Navy, to be appointed a permanent commander in the Dental Corps in the Reserve of the U.S. Navy, pursuant to title 10, United States Code, section 593.

WITHDRAWAL

Executive nomination withdrawn from the Senate October 18 (legislative day of October 17), 1983.

THE JUDICIARY

Morton R. Galane, of Nevada, to be U.S. district judge for the District of Nevada, vice Roger D. Foley, retired, which was sent to the Senate on September 13, 1983.